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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION
4 LUKAS GOODYEAR, Individually)
5 and on behalf of all others)
6 similarly situated,)
7 Plaintiffs,)
8 vs.) No. 1:23-cv-05712-TWT
9 DELTA AIR LINES, INC.,)
10 Defendant.)

11
12 Videotaped deposition of GREGORY S. TAHVONEN,
13 taken remotely before NADINE J. WATTS, CSR, RPR, and
14 Notary Public, pursuant to the Federal Rules of Civil
15 Procedure for the United States District Courts
16 pertaining to the taking of depositions, commencing at
17 9:06 a.m. Central Daylight Time on the 14th day of
18 April, A.D., 2025.

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23
24

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1 There were present at the taking of this
2 deposition the following counsel:

3 (Appeared via videoconference)
4 DiCELLO LEVITT, LLP by
5 MS. MADELINE HILLS
6 MR. DANIEL R. FERRI
7 10 North Dearborn Street
8 Sixth Floor
9 Chicago, Illinois 60602
10 (855) 312-9991
11 mhills@dicellalevitt.com
12 dferri@dicellolevitt.com

13 on behalf of the Plaintiffs;

14 (Appeared via videoconference)
15 SEYFARTH SHAW, LLP by
16 MR. MITCHELL ROBINSON
17 MS. DANIELLE SHAPIRO
18 1075 Peachtree Street NE
19 Suite 2500
20 Atlanta, Georgia 30309
21 (404) 885-1500
22 mrobinson@seyfarth.com
23 dshapiro@seyfarth.com

24 on behalf of the Defendant.

1 ALSO PRESENT VIA VIDEOCONFERENCE:

2 Ms. Blaze R. Knott, Delta Air Lines, Inc.
3 Mr. Justin Henricksen, Veritext videographer

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1	VIDEOTAPED DEPOSITION OF GREGORY S. TAHVONEN	
2	TAKEN APRIL 14, 2025	
3		
4	EXAMINATION BY	PAGE
5	Ms. Madeline Hills	6
6	EXHIBITS	
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8	DEPOSITION EXHIBIT 1	32
9	DELTA_LG_00000169 - 00000178	
10	Crew Resources, Pilot Scheduling	
11	& Crew Tracking Department Policies	
12		
13	DEPOSITION EXHIBIT 2	62
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15	ACS/CGO/Clean DPM	
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18	DELTA_LG_00006381 - 00006382	
19	E-mail chain, top one from Karen	
20	Jenkins to Timothy Gregory dated	
21	11-14-19	
22		
23	DEPOSITION EXHIBIT 4	73
24	DELTA_LG_00006383 - 00006408	
25	Feasibility & Requirements Document	
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31	E-mail chain, top one from Kelly Brown	
32	to John Early dated 2-8-19	
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3	DEPOSITION EXHIBIT 7	98
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5	E-mail chain, top one from John	
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7	Gray dated 2-23-22	
8	DEPOSITION EXHIBIT 8	103
9	DELTA_LG_00012531 - 00012534	
10	E-mail chain, top one from Kelly	
11	Boseman to Charles Dowd and Barbara	
12	Franz dated 4-18-17	
13	DEPOSITION EXHIBIT 9	109
14	DELTA_LG_00006993	
15	Excel spreadsheet	
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1 THE VIDEOGRAPHER: Good morning. We are going on
2 the record at 9:06 a.m. on April 14th, 2025.

3 Please note the deposition is being conducted
4 virtually. The quality of the recording depends on the
5 quality of the camera and the Internet connection of
6 participants. What is seen from the witness and heard
7 on screen is what will be recorded.

8 Audio and video recording will continue to take
9 place unless all parties agree to go off the record.

10 This is media unit 1 of the video-recorded
11 deposition of Gregory Tahvonen taken by counsel for the
12 plaintiff in the matter of Lukas Goodyear versus Delta
13 Air Lines, Inc., filed in the United States District
14 Court, for the Northern District of Georgia, Atlanta
15 Division, Case No. 1:23-cv-05712-TWT.

16 My name is Justin Henricksen, representing
17 Veritext. I'm the videographer. The court reporter is
18 Nadine Watts from the firm Veritext.

19 I'm not related to any party in this action,
20 nor am I financially interested in the outcome.

21 If there are any objections to the proceedings,
22 please state them at the time of your appearance.

23 Counsel and all present, including remotely,
24 will now state their appearance and affiliation for the

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1 record, beginning with the noticing attorney.

2 MS. HILLS: Madeline Hills from DiCello Levitt on
3 behalf of the plaintiff.

4 MR. ROBINSON: Mitch Robinson, counsel for
5 defendant.

6 GREGORY S. TAHVONEN,
7 called as a witness herein, having been first duly
8 sworn, was examined upon oral interrogatories and
9 testified as follows:

10 EXAMINATION

11 by Ms. Hills:

12 MS. HILLS: Q Good morning, Mr. Tahvonen.

13 A Good morning.

14 Q Did I say your name correctly?

15 A Yes.

16 Q Okay. Could you please state your full name for
17 the record.

18 A Sure. It's Gregory S. Tahvonen. Last name is
19 T-A-H-V-O-N-E-N, common spelling, at least within my
20 household.

21 Q And what's your current address?

22 A [REDACTED], Mequon, Wisconsin

23 [REDACTED]

24 Q Is that where you are today?

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1 A Yes.

2 Q How old are you?

3 A 59.

4 Q And have you had your deposition taken before?

5 A Yes.

6 Q Okay. How many times?

7 A More than 10, less than 30.

8 Q Okay. So I'll just run really quickly through
9 housekeeping. You've probably heard it several times
10 before.

11 The court reporter can't capture any non-verbal
12 sounds or gestures. So just speak clearly so that she
13 can get a clean record. Does that make sense?

14 A Yes.

15 Q Okay. And then she can also only get one voice
16 at a time. So I'm going to try not to speak when you're
17 speaking. If you can do the same for me.

18 A Absolutely.

19 Q And we'll take breaks every once in a while. If
20 you need one, just let me know. But I do ask that if
21 there's a question pending, that you answer it before we
22 break. Is that fair?

23 A Yes.

24 Q Is there anything that might prevent you from

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1 testifying truthfully today?

2 A No.

3 Q How did you prepare for this deposition, if at
4 all?

5 A I briefly read the subpoena, as well as the case
6 online.

7 Q Do you understand -- I'm sorry, go ahead.

8 A No, that's primarily the preparation.

9 Q Do you understand what the case is about?

10 A At a high level, yes.

11 Q Could you describe that for me?

12 A My understanding is the plaintiff is alleging a
13 break of contract based on the fact that he asserts that
14 time not worked due to a swap should count towards
15 qualification of the calculation of overtime as
16 qualifying threshold hours.

17 Q Thank you. And so I'll start with some of your
18 background briefly. Could you tell me where you went to
19 school?

20 A I went to school at Michigan State University.

21 Q And what did you study there?

22 A I studied psychology, undergrad, and labor and
23 industrial relations, graduate.

24 Q When did you graduate from undergrad?

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1 A 1987.

2 Q And your Master's?

3 A 1989.

4 Q What was your first job out of school?

5 A I went to work for General Motors.

6 Q How long were you there?

7 A 12 years.

8 Q What was your position there?

9 A Various roles in HR of different
10 responsibilities. So everything from compensation to
11 field HR, HR business partner. And then I ended my role
12 there as the head of marketing HR for vehicle sales,
13 service, and marketing division.

14 Q Where was that geographically?

15 A Mostly in Detroit.

16 Q Okay. What did you do next?

17 A I went from GM and joined Delta Technology at
18 that time. We were a wholly-owned subsidiary of Delta
19 Air Lines supplying IT services to the company. I began
20 that role in 2001.

21 Q Was that in Detroit?

22 A That was in Atlanta.

23 Q Okay. What were your responsibilities in that
24 position?

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1 MR. ROBINSON: Object to form.

2 THE WITNESS: I started in the area of compensation,
3 and I ended up as the chief human resources officer for
4 the subsidiary.

5 MS. HILLS: Q And -- Let's see. I don't -- Did you
6 say how long you were in that position? I might have
7 missed it.

8 MR. ROBINSON: Object to form. You can -- you may
9 answer.

10 THE WITNESS: I was in that role until 2007. And in
11 2007 I transitioned to Delta Air Lines, what we called
12 main line -- the main line airline.

13 MS. HILLS: Q And what was your title at that
14 point?

15 A At that point I was Director of Compensation and
16 IT Services for the HR division.

17 Q So is Compensation like its own group within HR?
18 What does that mean?

19 MR. ROBINSON: Object to form. You may answer.

20 THE WITNESS: It's a subspecialty within HR. It's
21 often referred to as the center of excellence or of
22 expertise.

23 MS. HILLS: Q And what was the other category?

24 A I was the HR field person for the IT division.

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1 So normally it's referred to as an HR business partner
2 or sometimes as an HR generalist.

3 Q And what were your responsibilities in that
4 role?

5 A In that role --

6 MR. ROBINSON: Objection. You may answer. Just
7 give me a second just to --

8 THE WITNESS: Sure. I apologize.

9 In that role, it was everything you could
10 imagine from an HR perspective. From hiring to
11 developing training plans, to career management,
12 fulfilling open roles, compensation for that group, as
13 well as any disciplinary action required, performance
14 management for the team, and leading managers on
15 building organizational effectiveness.

16 MS. HILLS: Q You mentioned training I believe.
17 Could you describe that more for me?

18 A The aspect of training I would have been
19 involved in was dealing with specific leadership
20 training. The technical skills of an IT person was out
21 of my scope. I couldn't profess to even know what the
22 acronyms all mean.

23 But the leadership training piece really was
24 around training on Delta philosophy and policy around

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1 leadership, as well as becoming a good people leader,
2 career management, delivering performance appraisals,
3 those types of things.

4 Q Were you involved in creating policies in that
5 position?

6 MR. ROBINSON: Object to form. You may answer. You
7 can answer.

8 THE WITNESS: I was more interpreting corporate
9 policy, not developing it. We were a division of Delta
10 Air Lines, so we maintained the same policies as the
11 rest of the company. Those are developed at a center of
12 excellence by subject matter, and then I was on the
13 administrative end of those.

14 MS. HILLS: Q So the corporate level policies were
15 consistent?

16 MR. ROBINSON: Object to form, vague. You may
17 answer.

18 THE WITNESS: Generally, they were.

19 MS. HILLS: Q When was that not the case?

20 A Generally it was driven by some market
21 difference. So, for example, back at the time when I
22 was supporting IT, IT was a different market than an
23 airline person necessarily.

24 So in some cases we were able to offer like a

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1 sign-on bonus, where that may not have been common in
2 other areas of the business. But they were very minute
3 and specific situations where we may have had a
4 different policy affecting IT people.

5 Q So how long were you in -- I've forgotten the
6 name now. What was the title we were just discussing?

7 A That was Director of Compensation and IT
8 business, or IT business partner.

9 Q How long were you in that position?

10 A That exact position, only a couple of years.
11 Then the job morphed to added responsibility for
12 retirement, as well as compensation. So I then became
13 the head of -- I think I was promoted maybe to managing
14 director at that time. I don't exactly recall. Then I
15 would have been taking over retirement benefits,
16 compensation, and still maintain the HR business partner
17 role for IT.

18 Q What is the HR business partner role?

19 A Often it's referred to as an HR generalist.
20 It's providing HR support to a client group, from
21 leadership all the way to the individual employee.

22 Q Could you describe that more for me?

23 A It's providing HR counsel. So helping leaders
24 as they fill openings, helping employees to achieve

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1 their career aspirations, understanding the
2 organization, making sure that there's, you know,
3 clear -- clarity around job descriptions; that we're
4 recruiting for the right talent, building the right
5 capabilities for the long-term success of the
6 organization, and, very importantly, working with
7 leaders to make sure that they are equipped with
8 leadership skills to manage or lead a group of people.

9 Q And when you added the compensation piece to
10 your title, what did that entail?

11 MR. ROBINSON: Object to form.

12 MS. HILLS: Q Or the -- I'm sorry. When you added
13 the retirement piece to your title, what new
14 responsibilities did that entail?

15 MR. ROBINSON: Object to form. It's vague. You may
16 answer to the best of your ability.

17 THE WITNESS: The retirement piece, as many
18 companies, is multifaceted within Delta. So it was
19 overseeing both the defined benefit plan for employees,
20 what is commonly referred to as the pension plan, and
21 then, most importantly, the current vehicle for
22 retirement savings, so a 401(k) plan.

23 And so it was developing and overseeing those
24 programs, educating employees on them, and making sure

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1 that they were delivering value to our employees,
2 employees understood how they worked and what their role
3 in that was and what they could do to increase their
4 retirement savings.

5 MS. HILLS: Q And when you were in compensation
6 and retirement, was that in Atlanta?

7 A Yes, it was.

8 Q Okay. And did you change your title after that?

9 MR. ROBINSON: Object to form. You may answer.

10 THE WITNESS: Over the course of time I gathered
11 additional responsibilities at Delta. And so I was
12 promoted to Vice President of Total Rewards, and I also
13 maintained the HR business partner role for IT at that
14 time.

15 So it was really a promotion more or less in
16 place. I had largely the same responsibilities. It was
17 a new title, Total Rewards. And that was in 2014 I
18 believe.

19 MS. HILLS: Q What is Total Rewards?

20 A Total Rewards is the modern term for
21 compensation and benefits. So there I added in
22 responsibility for the healthcare plans at Delta, the
23 retirement plans at Delta, and the compensation plans.
24 And so collectively those are known as Total Rewards.

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1 It also includes employee wellness and employee
2 recognition.

3 Q Was HR IT -- Or were you -- Let me rephrase.
4 Did you act as the business partner for IT or were
5 you -- I guess could you explain to me more what HR IT,
6 what that means?

7 MR. ROBINSON: I'm going to object to form,
8 compound. Also vague. You may answer to the best of
9 your ability.

10 THE WITNESS: Yes, I was always the HR business
11 partner for IT from 2007 until 2017. Well, actually of
12 2001. When we were a separate subsidiary, that was also
13 in my role. So I was the HR business partner for IT up
14 until 2017 I believe.

15 MS. HILLS: Q That's helpful. And I guess I'm
16 trying to understand when you were acting as the
17 business partner, like was that on behalf of IT as a
18 group or was that, you know, for IT projects? I'm just
19 trying to understand more of what that means.

20 MR. ROBINSON: Same objection. You may answer to
21 the best of your ability.

22 THE WITNESS: It was on behalf of IT people. So
23 basically it was partnering with the leadership of IT to
24 make sure that the needs of the IT population were met

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1 from an HR perspective.

2 MS. HILLS: Q Okay. And how many people reported
3 to you in that position?

4 A To the best of my recollection, 30 to 35.

5 Q And were they also located in Atlanta?

6 A The majority were. Yes, at that time my team
7 was in Atlanta.

8 Q And who did you report to?

9 A I reported to the Senior VP of Total Rewards.

10 Q Who would that be?

11 A His name was Rob Kite.

12 Q Okay. Did you have any other position changes
13 while at Delta?

14 MR. ROBINSON: Object to form.

15 THE WITNESS: Yes, following that role I moved to
16 lead the HR Service Delivery function. So I was Vice
17 President of HR Service Delivery. I believe it was in
18 2017 that I moved to that role. And there I was
19 responsible for HR service delivery globally.

20 MS. HILLS: Q And what does that mean?

21 A It basically is administering HR related -- So
22 rather than working -- An example would be in the
23 benefits world I was developing benefit programs, and in
24 the HR Service Delivery function I was responsible for

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1 overseeing the administration of those programs. So
2 it's an operational job within HR.

3 Q Was that for all -- all Delta employees or a
4 certain group?

5 MR. ROBINSON: Object to form.

6 THE WITNESS: All Delta. I'm sorry.

7 MR. ROBINSON: Go ahead.

8 THE WITNESS: All Delta employees.

9 MS. HILLS: Q And you were still in Atlanta for
10 that position as well?

11 A Yes.

12 Q How many people reported to you as the VP of HR
13 Service Delivery?

14 A Total organization was around 160 people.

15 Q Were they in Atlanta as well?

16 A More of a global footprint. Largely in Atlanta,
17 but we did have HR operations in other areas of the
18 world. I can't recall exactly where the bases of people
19 were. But it was not a hundred percent in Atlanta at
20 that time.

21 Q And so you still served as -- Did you still
22 serve as a business partner at that time?

23 MR. ROBINSON: Object to form. You may answer to
24 the best of your ability.

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1 THE WITNESS: No, I did not. I stopped the HR
2 business partner role in 2017 partly because, as in HR
3 operations, I was developing and helping to develop IT
4 solutions for HR. So it would have been conflictual for
5 me to be their HR person as well. I became a client of
6 HR -- of IT, excuse me.

7 MS. HILLS: Q I understand. So what solutions
8 were you developing around that time?

9 A Largely we were post-implementation of the ERP
10 system, SAP. So we were still working through SAP and
11 its ties to downstream systems like payroll and
12 benefits.

13 Q Were you involved in the decision to use IP --
14 or to use SAP? I'm sorry.

15 MR. ROBINSON: Object to form, vague, compound. You
16 may answer.

17 THE WITNESS: I was not. That decision was made
18 prior to my time in that role.

19 MS. HILLS: Q And what is SAP?

20 A SAP is an ERP solution, which basically means an
21 enterprise employee system that holds employee data, as
22 well as position-related data. It's commonly referred
23 to as an ERP.

24 Q Does that include time and attendance systems?

Page 20

1 MR. ROBINSON: Object to form. You may answer.

2 THE WITNESS: Not directly. SAP relies on -- The
3 easiest way to think about it is SAP is the center core
4 of data, and that center core receives input and
5 delivers output to ancillary systems in support of HR,
6 and the time and attendance system would be one of those
7 ancillary systems.

8 MS. HILLS: Q What other ancillary systems would
9 feed into SAP?

10 MR. ROBINSON: Object to form. You may answer.

11 THE WITNESS: Output of SAP would be into the
12 payroll system. It would be into benefit enrollment
13 systems. It was to outcome vendors, meaning if you
14 enrolled in United Healthcare, we needed to let United
15 Healthcare know that you did that, and we would do that
16 through SAP.

17 And so the back and forth of files in order to
18 support the employee experience at Delta worked a
19 critical role in SAP. It was the source of -- It was
20 the system of record for lack of a better term.

21 MS. HILLS: Q How did SAP -- Let me rephrase. I'm
22 not very technical, so this will be a tricky one for me.
23 How does the system, SAP, know how to apply Delta's
24 policies?

Page 21

1 MR. ROBINSON: Object to form.

2 THE WITNESS: I am only a notch above you relative
3 to technology. But basically it's called configuration.

4 So a system is configured with the rules and
5 dataflow agreed to or mapped out by the company and the
6 configuration of that system executes the rules against
7 that. It's called a schema. So the schema is built in
8 SAP, which includes the rules engine, and from that
9 point it's automated.

10 MS. HILLS: Q When you were at Delta, was there a
11 particular person or group that was responsible for that
12 process?

13 MR. ROBINSON: Object to form, vague. What's the
14 process you're referring to, Counsel?

15 MS. HILLS: I'm referring to his inputting the rules
16 into SAP, the schema that you've referenced.

17 MR. ROBINSON: You may answer.

18 THE WITNESS: It was a -- I would say it was a
19 collective effort between IT -- So as you could imagine,
20 there would be technical coders that understood the
21 coding system within SAP, as well as end users from the
22 business, as well as people that were on my team that
23 were translating what we called business requirements to
24 a programming need, and then IT would execute and test

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1 against that.

2 MS. HILLS: Q Are you familiar with MyTime?

3 A Yes, to some degree.

4 Q What is it?

5 A It's a timekeeping system for a segment of
6 Delta's population.

7 Q And then are you familiar with Delta's Hours of
8 Work, Overtime and Shift Differential policy?

9 MR. ROBINSON: Object to form. You can answer it.

10 THE WITNESS: Yes, again, at a high level, keeping
11 in mind that I haven't worked there in two years, so.

12 MS. HILLS: Q All right. So when did you leave
13 employment with Delta?

14 A January of 2023.

15 Q Why did you leave?

16 A I was recruited by an executive search firm.

17 Q And what is your current position?

18 A I'm Vice President of Total Rewards for SC
19 Johnson & Company.

20 Q Did you have any roles between Delta and your
21 current position?

22 A No.

23 Q Do you have any plans on returning to employment
24 with Delta?

Page 23

1 A No.

2 Q And I believe you mentioned that -- when you
3 were explaining your previous position at Delta
4 something about not being on the more technical side, to
5 paraphrase. But who at Delta was considered the more
6 technical side of HR operations?

7 MR. ROBINSON: Object to form, mischaracterizes
8 testimony, vague. You may answer to the best of your
9 ability.

10 THE WITNESS: There were resources on my team who
11 were IT trained, as well as an IT interface person that
12 they would have had. But the names escape me at this
13 point because there would have been a myriad depending
14 on solution.

15 But I -- by my background, while I've always
16 been around the IT space, I'm not a coder. I'm not a --
17 I can ask for what I want to ask for, but I can't code
18 it. So there were people on my team that were SAP
19 experts in coding and there were experts on the IT side.

20 MS. HILLS: Q Were those people in Atlanta as
21 well?

22 A Largely, yes.

23 Q And are you familiar with the term ground
24 non-contract employee at Delta?

Page 24

1 MR. ROBINSON: Object to form.

2 THE WITNESS: Yes.

3 MS. HILLS: Q Could you describe that for me?

4 A It refers to employees who are not part of the
5 crew, meaning in the airplane. So they're on the
6 ground. And non-contract refers to the fact that they
7 are not represented under collective bargaining.

8 Q In your work at Delta did you deal with
9 overtime?

10 MR. ROBINSON: Object to form, vague. You may
11 answer to the best of your ability.

12 THE WITNESS: I would need clarification on that
13 question. To say I dealt with overtime, I think that
14 would be a fair statement, but my level of direct
15 involvement was minimal.

16 MS. HILLS: Q Were you familiar with Delta's
17 policies related to overtime?

18 MR. ROBINSON: Object to form. You may answer.

19 THE WITNESS: Again, at a very high level.

20 MS. HILLS: Q Approximately how many ground
21 non-contract employees at Delta were eligible for
22 overtime?

23 A Well, we're kind of robbing the memory bank.
24 But it would have been in the neighborhood -- Well, can

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1 I ask for a point of clarification or make a clarifying
2 point?

3 Q Sure, yeah.

4 A So ground employee is a very broad definition,
5 and I think it's helpful to understand scale ground
6 employees from merit ground employees because they're
7 two totally different populations.

8 And scale ground employees number in the tens
9 of thousands. The merit ground employees is a far lower
10 number. Probably between 8 and 9,000 to the best of my
11 recollection.

12 Q And those numbers you just gave, are you talking
13 in terms of in the U.S. or globally?

14 MR. ROBINSON: Object to form. You can answer.

15 THE WITNESS: Primarily in the U.S.

16 MS. HILLS: Q So could you describe the -- I'll
17 restate. What's the distinction between scale and merit
18 employees?

19 MR. ROBINSON: Object to form. You may answer.

20 THE WITNESS: Scale employees grow career-wise and
21 pay-wise through time spent in position. They go up a
22 pay scale is the easiest way to summarize it. So they
23 have a scale. Everyone with that number of years of
24 experience is at the same step on the scale. That step

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1 on the scale has a compensation associated with it.

2 Merit employees are in a salary range, and
3 their position in that range is both driven by market
4 conditions, as well as individual performance, and
5 they're not at the same exact number based on years of
6 experience. While years of experience could be a
7 factor, it's not the sole determining factor of pay.

8 MS. HILLS: Q Would -- or could it be the case
9 that there are two employees say in the same department
10 with the exact same title that are both scale and merit?

11 A No.

12 Q So it would be consistent for job title whether
13 an employee was scale or merit?

14 A Correct.

15 Q Was it also consistent within a department?

16 MR. ROBINSON: Object to form. You may answer to
17 the best of your ability.

18 THE WITNESS: I can't recollect if there would be
19 any differences within a department. But within job
20 title, the job title would drive whether they were scale
21 or merit.

22 MS. HILLS: Q Does the scale or merit
23 classification have any connection to whether someone is
24 full time or part-time?

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1 MR. ROBINSON: Object to form.

2 THE WITNESS: No. Sorry. No.

3 MS. HILLS: Q Okay. That's helpful.

4 And so while you were in HR, did you draft or
5 author any policies related to overtime?

6 MR. ROBINSON: Object to form, asked and answered.
7 You may answer it to the best of your ability.

8 THE WITNESS: Not personally, no.

9 MS. HILLS: Q Who did?

10 MR. ROBINSON: Object to form, vague. You may
11 answer.

12 THE WITNESS: Members of my team.

13 MS. HILLS: Q Do you remember who they were?

14 A I would be remiss in trying to cite an
15 individual as it could vary by work group. So I
16 wouldn't be comfortable saying it was a person or even a
17 group of two or three. Many people were involved at
18 different points.

19 Q So how -- Let me think. So the HR policy
20 related to overtime compensation, who had final sign-off
21 authority on that when you were at Delta?

22 MR. ROBINSON: Object to form, vague. You may
23 answer to the best of your ability.

24 THE WITNESS: The final sign-off would have

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1 ultimately been our CHRO.

2 MS. HILLS: Q Who would that be?

3 A That varied at different points in time.

4 Q What is a CHRO?

5 A CHRO was chief human resource officer.

6 Q Okay. Did departments at Delta have like
7 department-specific policies for overtime?

8 MR. ROBINSON: Object to form, vague. Also
9 compound. You may answer to the best of your ability.

10 THE WITNESS: At some point in time there may have
11 been local practices. But as we moved to a common
12 system, we worked to align policies and procedures
13 with -- with the ability of SAP and other ancillary
14 systems and commonized them over time.

15 MS. HILLS: Q When you referenced the move to a
16 new system, is that SAP you're referring to?

17 MR. ROBINSON: Object to form.

18 THE WITNESS: Yeah, SAP, it takes on generations,
19 right? SAP is just not quickly installed. So if you
20 think of SAP's implementation, it really began I think
21 around 2015. Before it got all of the feeds from
22 downstream systems and feeds to downstreams -- or
23 outbound systems was more like 2021.

24 So in those years of making was when the work

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1 would have been done to program SAP accordingly and to
2 commonize to the degree possible policies and procedures
3 between business units.

4 MS. HILLS: Q So with the rollout of the SAP
5 system, the goal was to standardize groups in line with
6 the corporate HR policy; is that correct?

7 MR. ROBINSON: Object to form, vague, compound,
8 calls for speculation. The witness has already
9 testified as to his knowledge. But you may answer to
10 the best of your ability.

11 THE WITNESS: I would say not only standardize, but
12 also make sure that policies were implemented according
13 to spec. So it allowed for existing policies to be
14 implemented and administered more aligned to their
15 original intent.

16 MS. HILLS: Q What do you mean by that?

17 MR. ROBINSON: Object to form. You may answer.

18 THE WITNESS: By getting rid of manual processes and
19 automating them, the automation allowed for the rules to
20 be programmed the way they were intended to be rather
21 than left to manual intervention that could result in an
22 error or a misinterpretation.

23 MS. HILLS: Q Were there errors and
24 misinterpretation occurring before the automated system

Page 30

1 was put in place?

2 MR. ROBINSON: Object to form. Counsel, perhaps you
3 could reframe the question. It just calls for
4 speculation.

5 MS. HILLS: I don't think it does.

6 Was that question confusing to you,
7 Mr. Tahvonen?

8 THE WITNESS: Well, I was going to answer only if I
9 can speculate. So I guess so. I can't speculate as to
10 what was going on. It wasn't our reason for
11 commonization. But I don't know what it meant from a
12 before and after perspective because we were
13 administering two established policies. So I have no
14 way of knowing what may have been occurring previously
15 to be firsthand knowledgeable of.

16 MS. HILLS: Q And you mentioned the original
17 intent behind policies. So I know we discussed who was
18 involved in authoring an HR policy related to overtime.
19 But my question is, who was the source of what -- who
20 had the say for what the original intent of the HR
21 overtime policy was?

22 MR. ROBINSON: Objection, vague. You may answer to
23 the best of your ability.

24 THE WITNESS: I really don't know how to directly

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1 answer the question. I mean, obviously we have
2 guidelines that comply with legal requirements. And so
3 in setting up those legal requirements we want to make
4 sure that our policies reflect that in every part of our
5 business, including HR.

6 And so much of it is dictated by law relative
7 to wage and hour pay, et cetera. That derives a policy.
8 It helps formulate a policy that is then reviewed
9 through multiple chains within HR and shared with
10 business leaders so that they could administer it
11 accordingly and ultimately communicate it.

12 MS. HILLS: Q Did you have any indication that the
13 HR overtime policy was being applied differently across
14 Delta?

15 MR. ROBINSON: Object to form, vague, speculative.
16 I'm -- Counsel, I'm having problems even understanding
17 what your question is asking for.

18 MS. HILLS: Q Did you have any indication that
19 there were occurrences of groups applying the HR
20 overtime policy differently among each other?

21 MR. ROBINSON: Same -- same objection. You can
22 answer to the best of your ability. Also add calls for
23 speculation as part of the objection.

24 THE WITNESS: Not to my knowledge.

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1 MS. HILLS: Q Did HR approve like
2 department-specific policy documents?

3 MR. ROBINSON: Object to form, asked and answered,
4 vague. You may answer to the best of your ability.

5 THE WITNESS: Direct approval would be a strong
6 word. A review for intent of compliance we were often
7 engaged, but I can't guarantee that we saw a hundred
8 percent of them in any way, shape, or form.

9 MS. HILLS: Q Okay. I'm introducing an exhibit.
10 Let me know when you're able to see it. This is Exhibit
11 1.

12 (Document marked as Deposition
13 Exhibit 1 for identification.)

14 Q Is that showing up for you?

15 A I don't see it.

16 Q I can -- I can screen share it. Do you have the
17 Exhibit Share pulled up, or not?

18 A I apologize. We don't use Zoom, so I don't know
19 what you're referring to.

20 MR. ROBINSON: Counsel, can we go off the record? I
21 just want to make sure that he has access to the exhibit
22 before you -- So can we briefly go off the record just
23 to make sure he has Exhibit Share pulled up?

24 MS. HILLS: Sure.

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1 THE VIDEOGRAPHER: Okay. We're going off the record
2 at 9:54 a.m. This is the end of media unit 1.

3 (Recess was taken.)

4 THE VIDEOGRAPHER: Okay. We are back on the record.
5 The time is 10:02 a.m. This is the beginning of media
6 unit 2.

7 MS. HILLS: Q All right. So I'm pulling up screen
8 share so that you can see Exhibit 1 on my screen. Can
9 you see that?

10 A Yes.

11 Q Awesome. All right. I'll start on the first
12 page. It's Bates 169. And you'll see that it says Crew
13 Resources, Pilot Scheduling & Crew Tracking Departmental
14 Policies. Do you see that?

15 A Yes.

16 Q Do you recognize this document?

17 A No.

18 Q Could you tell me what crew resources means?

19 A In this context I believe it is referring to the
20 organization that is responsible for the scheduling of
21 pilots and flight attendants.

22 Q Let me scroll down.

23 MR. ROBINSON: Counsel, do you mind zooming in just
24 a little bit in the document given --

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1 MS. HILLS: Yeah, I'm just looking for my spot, and
2 I will do so.

3 MR. ROBINSON: Okay. Thank you.

4 THE WITNESS: Yeah, also, is there a date on this
5 document?

6 MS. HILLS: Q I can represent to you the file name
7 is Crew Resource Department Policy 2024. And I'm --
8 Yeah, and it was created September 5th, 2024.

9 A Okay. Just to be upfront, I was no longer an
10 employee of Delta Air Lines on that date. So I have a
11 hard time kind of commenting on a document for which I
12 was working at SC Johnson at the time.

13 Q Sure, that I understand. Did you ever see any
14 kind of departmental policy document for crew resources?

15 MR. ROBINSON: Object to form.

16 THE WITNESS: I did not. Sorry.

17 MS. HILLS: Q Okay. I will scroll down now. It's
18 going to be Bates 171. And I'll zoom in here.

19 And you see that it says on this page Pilot
20 Scheduling & Crew Tracking Organization?

21 A Yes.

22 Q And then do you see underneath that there's a
23 pdf link?

24 A Yes.

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1 Q And that says Flight Ops Org Chart.pdf?

2 A Yes.

3 Q When you were at Delta, was there any kind of
4 organizational chart that you had access to?

5 MR. ROBINSON: Object to form, vague. Are you --
6 What are you asking him, Counsel?

7 MS. HILLS: Q I really don't think that's vague.

8 Was there an organizational chart that existed
9 at Delta?

10 MR. ROBINSON: Throughout all of Delta, Counsel?
11 That's what you're asking him, did an organizational
12 chart exist?

13 MS. HILLS: Yes, an org chart.

14 MR. ROBINSON: Same objection. It's entirely vague.
15 You know, I understand the rules of discovery are broad,
16 but there's got to be more specificity than that,
17 Counsel.

18 MS. HILLS: You can answer the question,
19 Mr. Tahvonen.

20 MR. ROBINSON: To the best of your ability.

21 THE WITNESS: I would echo that. I mean, a company
22 the size of Delta, there are many different org charts
23 within divisions, et cetera. Generally, I did not have
24 access to those on a broad perspective.

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1 MS. HILLS: Q And your position covered employees
2 globally, correct?

3 A Correct.

4 Q How did you keep track of the different groups
5 and divisions within Delta?

6 MR. ROBINSON: Object to form. You may answer to
7 the best of your ability.

8 THE WITNESS: Again, within the SAP system we knew
9 their position, their title, information about the
10 individual that was at the right level for what I
11 needed. And then in various systems you could see who
12 somebody reported to, but you wouldn't necessarily see
13 an entire org chart, nor would you need to see one.

14 MS. HILLS: Q Was there an org chart for the
15 employees that would have been in the SAP system?

16 MR. ROBINSON: Object to form. You may answer to
17 the best of your ability.

18 THE WITNESS: No. SAP was everyone. So SAP did not
19 have an org charting capacity that we used.

20 MS. HILLS: Q I see. What about, was there an org
21 chart for ground non-contract employees that were in the
22 U.S.?

23 A Not to my knowledge.

24 Q Okay. And what is flight ops?

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1 MR. ROBINSON: Object to form, vague. You may
2 answer to the best of your ability.

3 THE WITNESS: Flight ops is an abbreviation for the
4 term flight operations, and it largely deals with the
5 cabin and cockpit crew personnel of a flight, flight
6 operations. But it also includes some ground positions,
7 our inflight ops, such as scheduling, and it also
8 includes -- Dispatchers are a part of flight operations,
9 but they are represented at Delta.

10 MS. HILLS: Q About how many employees were in
11 flight ops?

12 MR. ROBINSON: Object to form, calls for
13 speculation. You may answer to the best of your
14 ability.

15 THE WITNESS: I would approximate it to be in the
16 low 30,000s, including flight attendants and pilots.

17 And just to be clear, the flight attendants
18 are also part of the inflight services group. So flight
19 ops here is boiling it down to just pilots. And then
20 ground, associated with the actual operating of a
21 flight, that number would be more like 13,000 to 14,000.

22 MS. HILLS: Q I'm sorry, you said 13 to 14,000
23 represents --

24 A Yeah.

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1 Q -- what distinction?

2 A The exclusion of flight attendants because they
3 actually technically belong to inflight services.

4 Q Okay. Would the flight ops group also include
5 pilots?

6 A Yes.

7 Q About how many employees would you say were in
8 flight ops during your time at Delta that were ground
9 employees?

10 A Somewhere between 1500 and 2200-ish.

11 Q Okay. Was that fairly consistent overtime?

12 MR. ROBINSON: Object to form.

13 THE WITNESS: I don't know where it's at today for
14 instance. But during my tenure there it was relatively
15 stable.

16 MS. HILLS: Q All right. I'm going to zoom out
17 just a little bit, but you tell me if that is not clear
18 enough and I can make it larger again. Can you see
19 that?

20 A I can.

21 Q Okay. So I'm on the page Bates numbered 172 and
22 I'm looking at the section 1.1, Coordinator and
23 Scheduler Responsibilities. Do you see that?

24 A I do.

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1 Q And then it looks like I can't highlight it, but
2 it says, crew tracking and pilot scheduling employees
3 must adhere to all Federal regulations, company policies
4 and procedures which govern their role within the
5 department. Did I read that right?

6 A Yes, as it appears here.

7 Q Was it -- was it typical for department-specific
8 documents like this one to state that they followed
9 corporate policies?

10 MR. ROBINSON: Object to form, vague, compound,
11 calls for speculation, particularly since the witness
12 testified that he was not employed with the company at
13 the time of this document. You may answer to the best
14 of your ability.

15 THE WITNESS: I would say it's not uncommon in the
16 area of compliance to remind employees that they fall
17 under both the Federal provisions and regulations as
18 indicated here, as well as company policy and codes of
19 ethics, et cetera. I think it's common for that to
20 occur.

21 MS. HILLS: Q If a departmental or
22 division-specific policy document was inconsistent with
23 corporate HR policies, which one would govern?

24 MR. ROBINSON: Object to form, calls for

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1 speculation, vague. You may answer.

2 THE WITNESS: Again, with the caution that this is
3 speculative, but I think it's clear at the beginning of
4 this sentence that Federal regulations, company policies
5 and procedures govern their role within the department.

6 MS. HILLS: Q I understand. I'm asking just
7 generally during your time working at Delta. So let me
8 ask a new question.

9 During your time at Delta was there ever an
10 instance where a department or division-specific policy
11 document was inconsistent with one of the corporate HR
12 policies?

13 MR. ROBINSON: Object to form, vague and compound.
14 You may answer to the best of your ability.

15 THE WITNESS: While I'm sure there may have been
16 instances that arose where there was a conflict between
17 the interpretation, I'm not aware of that being kind of
18 in place in any way, shape, or form.

19 MS. HILLS: Q So generally they -- each different
20 department-specific policies are supposed to comply with
21 the corporate HR policies; is that fair?

22 A That's fair.

23 Q All right. So I've scrolled down. Actually,
24 let's see. And I'm on the page that's the next Bates

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1 No. 173. There's a section that says 1.3, Schedule, in
2 the middle. Do you see that?

3 A Yes.

4 Q And then it says, crew resource leaders will
5 construct a schedule to ensure appropriate coverage to
6 provide a reliable and consistent service to our crews.
7 Are you seeing that?

8 A Yes.

9 Q What does that mean to you?

10 MR. ROBINSON: Object to form. You may answer.

11 THE WITNESS: I think quite literally is that they
12 are responsible for building a schedule that -- to make
13 sure that the crews of our flights are serviced reliably
14 and consistently.

15 MS. HILLS: Q Basically just make sure enough
16 people are working?

17 MR. ROBINSON: Objection. The testimony speaks for
18 itself. Asked and answered. Is there a question?

19 MS. HILLS: Right. I was responding to what you
20 said, Mr. Tahvonen, my understanding of your testimony.

21 MR. ROBINSON: Okay. Is that a question then?

22 MS. HILLS: Q I think we can move on at this point.
23 I think it was just clarifying.

24 Okay. So I'm now on page 176. And do you see

Page 42

1 at the top it says 1.8, Weekly Extra Time?

2 A Yes.

3 Q What is extra time at Delta in terms of your
4 time at Delta?

5 MR. ROBINSON: I want to object as I've done so
6 before. The witness has testified that at the time of
7 this document he was no longer employed by Delta. So,
8 therefore, this question calls for speculation. You may
9 answer to the best of your ability.

10 THE WITNESS: I'm not familiar with the term extra
11 time. Quite honestly, I don't recall it being used
12 widely within the company. Again, it could have been a
13 departmental practice. But I can't say firsthand, other
14 than the literal reading that we could all do of this
15 policy.

16 MS. HILLS: Q When you were at Delta, was it
17 common for employees to be offered extra shifts outside
18 of their normal schedule?

19 MR. ROBINSON: Object to form, vague.

20 THE WITNESS: I would say it would not be uncommon
21 to protect the operation. So if the operational needs
22 drove additional staffing requirements, then I'm sure
23 that as a leader, they would do what they could to fill
24 those needs.

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1 MS. HILLS: Q What do you mean by operational
2 requirements?

3 A In the airline, as you can imagine, the key is a
4 smooth operation. But, as we know, weather can impact
5 operations, other things can cause irregular --
6 irregularity to the operations that may make the need
7 for resources need to be adjusted to account for the
8 operation and what's occurring.

9 Q Would Delta pay employees overtime for picking
10 up those shifts?

11 MR. ROBINSON: Object to form, vague. Are you --
12 Lacks specificity. You can answer to the best of your
13 ability.

14 THE WITNESS: If it was operationally driven and
15 there was a need for resources, then people were
16 compensated for those extra hours worked on an
17 operationally needed driven basis.

18 MS. HILLS: Q So in your experience delta would
19 pay employees overtime for -- in exchange for working
20 for shifts outside of their normal schedule?

21 MR. ROBINSON: Object to form, mischaracterizes
22 testimony. You may answer to the best of your ability.

23 THE WITNESS: I think it's important to keep in mind
24 their regular schedule. So if those hours that you were

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1 asked to work extra based on operational need, not
2 through volunteering, nor swapping, were hours worked
3 based on operation need, so if they helped to generate
4 overtime, it wasn't a guarantee that those hours would
5 be overtime elig -- They would be in the threshold for
6 overtime calculations, but it doesn't necessarily mean
7 that people were paid overtime for those hours worked.
8 It depends on whether or not they completed the rest of
9 their scheduled hours in that week.

10 MS. HILLS: Q When those shifts -- When those
11 operational overtime shifts were offered, were they --
12 were they called overtime shifts?

13 MR. ROBINSON: Object to form, vague, calls for
14 speculation. You may answer to the best of your
15 ability, but --

16 THE WITNESS: I have no -- I have no idea what they
17 may have colloquially been called.

18 MS. HILLS: Q But you're not familiar with the
19 term extra time?

20 MR. ROBINSON: Objection, asked and answered.

21 THE WITNESS: No.

22 MS. HILLS: Q Do you know what the process was for
23 offering these operational additional shifts to
24 employees?

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1 MR. ROBINSON: Object to form, lacks specificity.
2 Counselor, are you talking about a specific time period
3 or throughout the history of Delta?

4 MS. HILLS: Q We were just discussing how shifts
5 are offered to employees to cover need. I'm asking
6 generally during your time at Delta what was the process
7 for assigning those shifts to employees?

8 MR. ROBINSON: Same objection, calls for
9 speculation. But to the best of your ability, you can
10 answer.

11 THE WITNESS: I have no idea. It wasn't in my scope
12 of responsibility to do this. So, again, I would be
13 reading the same document you are that talks about how
14 they're awarded. But I don't have any firsthand
15 knowledge or ownership of that process.

16 MS. HILLS: Q Do you know how many employees were
17 offered extra -- I don't know what to call them. I'll
18 restate. Do you know how many employees at Delta were
19 offered extra shifts they could pick up for company
20 need?

21 A I do not.

22 Q Was it fairly common?

23 A Again, I was never directly in the operation.
24 So I don't know. I do know that we had a strong history

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1 of balancing the needs of employees for flexibility and
2 maintaining a solid operation.

3 And most Delta people are aligned to the
4 operation comes first in most people's mind. So I would
5 imagine if there was a need, there was an answer, but I
6 don't know that for sure, how prevalent that was.

7 Q Those types of shifts would affect payroll,
8 right?

9 MR. ROBINSON: Object to form.

10 THE WITNESS: It would just be received in payroll.
11 It was a recipient of the data.

12 MS. HILLS: Q The payroll system was?

13 A Yeah. At the end of the day the payroll system
14 would pay according to what was submitted.

15 Q And what was the payroll system that was used at
16 Delta when you were there?

17 MR. ROBINSON: Object to form. Same objection,
18 vague, calls for speculation. The witness testified
19 that he worked for Delta I believe over 20 years. And
20 so, Counsel, I'm -- Are you asking him to recall --

21 MS. HILLS: Q I'll restate. Since 2017 what
22 payroll systems did Delta use when you were there?

23 A SAP.

24 Q So SAP is a payroll system in addition to the

Page 47

1 other capabilities that we had talked about earlier?

2 MR. ROBINSON: Object to form, vague in the sense
3 that other capabilities you talked to earlier. You may
4 answer though.

5 THE WITNESS: It receives data that helps to
6 administer payroll, and then payroll is ran through a
7 third party, and that third party has varied over my
8 course of time there. But SAP does -- There is a
9 payroll instance within SAP and a rules engine.

10 MS. HILLS: Q What do you mean by a rules engine?

11 A Back to my earlier comment. You have to
12 configure SAP, right? SAP is a tool. It wouldn't know
13 what to do with data unless we directed it through the
14 configuration. So the rules you're seeing here would be
15 embedded within SAP to administer them in an automatic
16 way based on the entry of time by the local timekeeper.

17 Q So is it that rules engine in SAP that would
18 make the determination whether an extra shift would be
19 paid an overtime rate?

20 A I don't know exactly. It's between the local
21 time administrator and how they key entry it for SAP.
22 SAP would have the rules engines there, but I think a
23 lot of it depends on the key entry of the local time
24 administrator.

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1 Q What's a local time administrator?

2 A It's literally somebody within the department
3 who's responsible for verifying the time worked by
4 individuals within that position.

5 Q Would that be their entire role or like a
6 responsibility of another role?

7 MR. ROBINSON: Object to form, vague. You may
8 answer.

9 THE WITNESS: Depending on the size of the business
10 unit, there could be dedicated time admins. I don't
11 know specifically if crew resources had a specific time
12 entry person or not. But it really depended on the size
13 and complexity of the work group.

14 MS. HILLS: Q The rules engine in SAP, would that
15 apply overtime rules consistently for employees on
16 regular schedules and irregular schedules?

17 MR. ROBINSON: Object to form, compound, calls for
18 speculation. You may answer.

19 THE WITNESS: Yes.

20 MS. HILLS: Q How is that different?

21 MR. ROBINSON: Object to form.

22 MS. HILLS: Q Oh, I'm sorry. It was applied
23 consistently?

24 MR. ROBINSON: Object to form, vague. What is "it",

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1 Counsel?

2 MS. HILLS: Q The rules engine within SAP, did that
3 apply overtime rules the same way for both irregularly
4 scheduled employees as well as regularly scheduled
5 employees?

6 A Yes. So a schedule was included within SAP. So
7 we would know if somebody was on a regular or a varied
8 work schedule.

9 Q But the -- so the -- But the operation is the
10 same within SAP?

11 A Yes. To put it simply --

12 MR. ROBINSON: I'll just say object to form, vague.
13 You may answer.

14 THE WITNESS: It's all about scheduled hours. And
15 the scheduled hours are included in SAP, what somebody's
16 regularly scheduled hours are and what over and above,
17 or whatever term you want to use, non-regularly
18 scheduled but worked hours.

19 MS. HILLS: Q Those are -- Those categories are
20 differentiated in SAP; is that right?

21 A Yes. Yes.

22 Q Do you know how they're represented, how those
23 categories actually appear?

24 A I do not.

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1 Q And then on this page I'm still on, under the
2 Coordinator/Scheduler Extra Time, it says, shifts are
3 awarded in rounds with the coordinator/scheduler being
4 awarded one shift per round. Full shifts are awarded
5 first and requests for partial shifts are addressed
6 after. And below that there's this section that says
7 Extra Time Awards, extra time is awarded in rounds and
8 seniority order. Are you seeing all this?

9 A I am.

10 Q So my more general question is, when you were at
11 Delta, was it common for these extra shifts to be
12 awarded with a bid system?

13 MR. ROBINSON: Object to form, asked and answered in
14 part, in that he -- I think the witness testified he was
15 not familiar with the term extra time. But you can
16 answer to the best of your ability.

17 THE WITNESS: And, again, just from this reading,
18 yes, it's in the bid and award system, which would have
19 been the manual process for crew resources, the crew
20 resource department. It was not unusual for shifts to
21 be awarded in a very similar fashion to what's dictated
22 here under extra time awards.

23 MS. HILLS: Q And is that true for -- I know you
24 said you were not familiar with the phrase extra time,

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1 but the bid system would be typical for company-offered
2 shifts outside of a regular schedule?

3 A Yes.

4 Q Were you aware of any other system to offer
5 company-offered shifts outside the regular schedule?

6 MR. ROBINSON: Object to form. You may answer to
7 the best of your ability.

8 THE WITNESS: No.

9 MS. HILLS: Q Okay. I'm going to go -- All right.
10 Actually, at the bottom of this page, so still on 176,
11 do you see right here it says Rescind Extra Time? And
12 it says here, extra time/extra time awards are company
13 obligations. Extra time/extra time rescinds outside of
14 72 hours prior to shift start will not incur a penalty.

15 And then on the following page, the next
16 bullet point says, extra time/extra time rescinds inside
17 72 hours prior to the shift start, creating an
18 operational hardship, and will be treated as an
19 unscheduled absence, which could result in performance
20 development. Did you see all that?

21 A I did.

22 Q Do you have any idea what it means for an extra
23 time award to be, quote, a company obligation?

24 MR. ROBINSON: Object to form. Counselor, for this

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1 document the witness has testified that he was not
2 employed by Delta for. He's also testified he's not
3 familiar with the term extra time. And you are asking
4 him a series of questions about a policy and a
5 phraseology which he has already testified that he's not
6 familiar with. And so you're essentially asking for him
7 to speculate on this document.

8 MS. HILLS: Q Yeah, I can -- I mean, I can ask it
9 in a more poignant fashion.

10 So I don't want you to interpret this document
11 in front of you. What I'm asking is, these
12 company-offered shifts outside of the regular schedule,
13 when you worked at Delta, were those shifts considered
14 company obligations?

15 MR. ROBINSON: Object to form. You may answer to
16 the best of your ability.

17 THE WITNESS: Theoretically, what's happening is
18 you're saying I agree to work this additional shift.
19 Let's just call it that instead of extra time. That is
20 as much of a commitment as we have for your regular
21 attendance because you've agreed to it.

22 So while it's called a company obligation,
23 it's really an obligation you have to the company. I've
24 agreed to work this shift and, therefore, the operation

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1 is depending on me. So, therefore, if I rescind that
2 agreement too close in time to the scheduled start of
3 that commitment, I could be posing a hardship on the
4 operation, which is not allowed.

5 So that's what it's referring to, is that if
6 you have taken an extra shift, you've agreed to work an
7 extra shift. It becomes a commitment that you have made
8 to the operation and you need to deliver on it.

9 MS. HILLS: Q Was that the general philosophy for
10 all departments?

11 MR. ROBINSON: Object to form, vague with regard to
12 scope, and the witness worked for Delta for 20 years.
13 And also vague with regard to what you're referring to.
14 You're using the term Delta. Are you referring,
15 Counselor, to every employee within Delta?

16 MS. HILLS: Counsel, I would ask that we try to
17 avoid the speaking objections. They're getting quite
18 long. And I'll rephrase my question.

19 MR. ROBINSON: Just for the record, I'm aware,
20 Counsel. It's not my practice normally to have speaking
21 objections. It's just that the way that the --

22 MS. HILLS: We can go off the record if you want
23 to --

24 MR. ROBINSON: Yeah. Yes, I would love to just go

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1 off the record for efficiency sake for a second.

2 THE VIDEOGRAPHER: Okay. We're going off the record
3 at 10:39 a.m.

4 (Discussion had off the record.)

5 THE VIDEOGRAPHER: Okay. We are back on the record.
6 The time is 10:43 a.m.

7 MS. HILLS: Q So, Mr. Tahvonen, just to return to
8 what we were talking about, is it fair to say that
9 during your time at Delta, from 2017 until the end of
10 your employment at Delta, that company-offered shifts
11 outside of the regular schedule were considered a
12 company obligation for the employee who picks up those
13 shifts?

14 A Yeah. I think the only nuance I would say is
15 that it's an obligation the employee has to the company.
16 It's an obligation they've made to Delta to work the
17 shift that they've picked up.

18 Q Sure. Okay. And I'm on the Bates numbered page
19 175, or numbered page 7 now.

20 A I'm sorry, I can no longer see the document. I
21 think when we went off record, it may have stopped
22 sharing.

23 Q Oh, I apologize.

24 A Thank you.

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1 Q There you go. Sure. So I'm now on Bates
2 numbered page 175. And then do you see that there's
3 this section here titled Time Off Requests and Swaps?

4 A Yes.

5 Q And now, again, I know that this document
6 post-dates your time at Delta. However, I'm interested
7 in your knowledge of some of the language that's used in
8 here.

9 Are you familiar with swaps?

10 A Yes.

11 Q What are swaps at Delta?

12 A Swaps are an agreement between two employees to
13 alter shifts, take one shift between them, swap, so that
14 I'm working for someone else and someone else is working
15 for me on any given day.

16 Q And from 2017 until the end of your employment
17 at Delta how many -- or what percentage of the workforce
18 was allowed to engage in swaps?

19 MR. ROBINSON: Object to form, calls for
20 speculation. You may answer to the best of your
21 ability.

22 THE WITNESS: Yeah, I don't know the specifics. We
23 had a corporate policy that allowed for swaps and then
24 the divisions implemented them. So if they had any

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1 additional rules that prohibited individuals from
2 swapping, I wouldn't have been privy to those firsthand.
3 So I can't give you a firm number.

4 MS. HILLS: Q Sure. Yeah, no problem. Was
5 swapping pretty popular with employees?

6 A My understanding is that it allowed for
7 additional flexibility and that it was a nice feature.
8 Again, I don't know the prevalence of who actually used
9 them. But I think the existing of -- the existence of
10 swapping was a satisfier for employees to know that they
11 had that additional flexible lever.

12 Q I'm sorry, did you say for the employers to know
13 or the employee?

14 A The employee. I think the employees liked
15 having that option.

16 Q How often would you say was typical for
17 employees to engage in swaps from -- during your time at
18 Delta?

19 MR. ROBINSON: Object to form. You may answer to
20 the best of your ability.

21 THE WITNESS: I don't know. On any individual
22 basis, I mean, I think that there were some people who
23 probably utilized the policy quite often and there were
24 probably people that didn't use it at all. And I didn't

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1 have direct access to anything that would give me a
2 prevalence indicator.

3 MS. HILLS: Q What's the basis for your belief
4 that there are some difference in prevalence of
5 swapping?

6 A Literally just individual differences. I think
7 some people view shift bidding as this is what I bid
8 for, I don't need the flexibility, I don't want to swap
9 with somebody. It's just truly individual differences
10 between employees that generate the inclination to swap
11 or not swap.

12 Q Understood.

13 MR. ROBINSON: And, Counsel, just as an aside, as
14 you're sharing your screen, I'm just doing this in
15 abundance of caution and good faith, some of your
16 e-mails are popping up on the screen.

17 MS. HILLS: Oh, okay.

18 MR. ROBINSON: I just wanted to make you aware of
19 that.

20 MS. HILLS: I think -- Yeah, I think we'll finish
21 with this document and then maybe if we can get Exhibit
22 Share figured out for Mr. Tahvonen, then that might be
23 the better option, but.

24 Okay. And so just looking at this document

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1 again, still on the same page, 175 Bates No., do you see
2 at the bottom here that it says, agreeing to work a swap
3 is a company obligation; as such, an unscheduled absence
4 could result in performance development? Do you see
5 that?

6 A Yes.

7 Q Is it your understanding from your time at Delta
8 that a swap is a company obligation?

9 MR. ROBINSON: Object to form. You may answer.

10 THE WITNESS: Yes, similarly to agreeing to pick up
11 the extra hour or -- I forgot what it was called
12 earlier. Here, once you've agreed to work for someone,
13 you're expected to work and, therefore, the reliability
14 becomes yours.

15 So once you've swapped with somebody, you're
16 committed to working the hours that you swapped into as
17 though it was your regular -- as though it was your
18 scheduled time.

19 MS. HILLS: Q That's generally considered an
20 agreement between the employee engaged in the swap on
21 the one hand and the company on the other; is that fair?

22 MR. ROBINSON: Object to form, mischaracterizes
23 testimony. You may answer to the best of your ability.

24 THE WITNESS: I think I would put it as you are

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1 making a commitment to work and you're expected to work
2 the time you've committed to.

3 If I might add one other thing. It is
4 important to note that the swap on and swap off works
5 both directions, meaning once you have successfully
6 swapped off and someone has agreed to pick up your
7 hours, you aren't accountable for the hours if that
8 person ends up not showing. They're no longer part of
9 your work. You've swapped off.

10 So while the policy is written towards the
11 individual who may not own the responsibility of working
12 for hours that they swapped into, the other side of it
13 is once you've swapped off, you're not accountable for
14 the hours.

15 MS. HILLS: Q And is that --

16 A It's truly off.

17 Q I'm sorry. Is that consistent or was that
18 consistent across the groups at Delta from your -- from
19 2017 until the end of your employment?

20 A Yes.

21 Q Was the same concept true for -- So for the
22 employee who swaps off, was the idea that that day
23 becomes essentially a scheduled off day?

24 MR. ROBINSON: Object to form.

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1 THE WITNESS: It becomes a zero working day. It's
2 no longer a working day for that individual because
3 they've swapped off.

4 MS. HILLS: Q What's a zero working day?

5 A Meaning they're not -- they don't have any time
6 on that day. They won't be reporting hours. They're
7 not being paid. It's a swap-off. They're not working.

8 Q Is that different from when an employee would
9 take a -- take unpaid time off for the same shift?

10 MR. ROBINSON: Object to form.

11 THE WITNESS: It would be -- it would be scheduled
12 time off versus unscheduled time off. So it wouldn't be
13 subject to the last sentence there around development,
14 performance development.

15 An unscheduled absence could be subject to
16 performance development. If you swap off, you're no
17 longer subject to performance development for the hours
18 that you swapped off because they're no longer in your
19 reliability measure. You've swapped them away.

20 MS. HILLS: Q What does performance development
21 mean in that context?

22 MR. ROBINSON: Object to form. What context,
23 Counselor?

24 MS. HILLS: Q What you were just describing,

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1 whether a day could be subject to performance
2 development or not. I'm just wondering what performance
3 development means.

4 A Yeah, in the document you were showing, it ended
5 with could be subject to performance development because
6 they're not meeting a company obligation. That's --
7 It's basically a potential review and discipline.

8 Q Okay. That's helpful.

9 And then just to confirm, you're not able to
10 see the screen right now, right? It looks like --

11 A I can't.

12 MS. HILLS: Okay. So I can continue screen sharing,
13 or if you want to take a quick break to try to figure
14 out the Exhibit Share.

15 MR. ROBINSON: We can continue with screen share,
16 unless you have an objection to it.

17 MS. HILLS: I think it should be fine.

18 Let me just adjust my settings so I stop
19 getting pop-ups. Could we take --

20 MR. ROBINSON: Want to take a --

21 MS. HILLS: -- a quick break?

22 MR. ROBINSON: This might be a good moment to take I
23 think a quick break for like five minutes anyway.

24 MS. HILLS: Sure, that sounds good.

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1 THE VIDEOGRAPHER: Okay. We're going off the record
2 at 10:56 a.m. This is the end of media unit 2.

3 | (Recess was taken.)

4 THE VIDEOGRAPHER: Okay. We are back on the record.

5 The time is 11:09 a.m. This is the beginning of media
6 unit 3.

7 MS. HILLS: Q Okay. I'm introducing Exhibit 2,
8 Bates No. 18055. Hopefully that comes up.

9 (Document marked as Deposition
10 Exhibit 2 for identification.)

11 Q Okay. I think I just loaded the screen share,
12 just the window this time. Let me know if you can see
13 that.

14 A Yes.

15 Q And then -- So we're on this first page. Do you
16 see that it says ACS/CGO/Clean DPM? Do you see that?

17 A I do, yep.

18 Q Does that mean anything to you?

19 A Those appear to be business units, Airport
20 Customer Service, Cargo, and the Clean. I'm not sure
21 what DPM stands for I have to admit.

22 Q No problem. And you see it's dated -- it says
23 revised February 2022?

24 A Correct.

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1 Q And you were still at Delta at that point,
2 right?

3 A I was still employed at Delta, yep.

4 Q Do you recognize this document?

5 A I don't. It was likely produced locally by the
6 departments.

7 Q From 2017 until the end of your time at Delta,
8 about how many domestic employees were in Airport
9 Customer Service?

10 MR. ROBINSON: Object to form.

11 THE WITNESS: I don't recollect an exact number, but
12 it would have been in the 20 some thousands. Like 20 --
13 20 -- Between 20 and 30,000 I believe.

14 MS. HILLS: Q Is that relatively consistent year
15 to year?

16 MR. ROBINSON: Object to form.

17 MS. HILLS: Q From 2017.

18 A Since 2017 it's been a relatively stable number.
19 Declined during COVID and then back to where it was
20 after COVID.

21 Q Sure. How about Cargo? Do you recall about how
22 many employees were in Cargo from 2017 -- Or, excuse me,
23 I'll restart. Do you remember about how many domestic
24 employees were in Cargo from 2017 until the end of your

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1 employment at Delta?

2 A In most of our reports they were aggregated with
3 Airport Customer Service. So they were kind of built
4 into those numbers I just said. But I -- So I would
5 hate to speculate.

6 Q And then you said you didn't know what Clean was
7 in reference to, right?

8 A I didn't know what the acronym after Clean
9 meant. That DPM, I don't know what that means. Clean
10 is a business unit, but.

11 Q What -- Is Clean within a division?

12 A It's within Airport Customer Service.

13 Q Okay. Is Cargo also within Airport Customer
14 Service?

15 A That's more of a complicated response than you
16 want to hear because their reporting relationship has
17 changed over time. At one time they were part of
18 TechOps, another part they were ACS I believe. At the
19 time I left Delta they were part of the ACS
20 organization, but they have a separate senior leader.

21 Q Okay. When were they -- when were they part of
22 TechOps? When was Cargo part of TechOps?

23 A I don't recall exactly. I think it was back in
24 like 2010-ish.

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1 Q Okay. And then I am now on page 18057. You
2 said --

3 A I now know what -- I now know what DPM must
4 stand for. Divisional Practices Manual

5 Q And do you see that on the page here?

6 A Yeah, the general information, the first
7 sentence.

8 Q That refreshed your memory?

9 A No, no. I'm just saying that that must be what
10 DPM stood for on the cover.

11 Q Okay. All right. And then I'm going to go down
12 to -- I'll tell you the page, 18 -- 18071, if I can find
13 it.

14 And just as I'm scrolling through, does this
15 appear to be a divisional policy document for ACS,
16 Cargo, Clean?

17 A It does.

18 Q Okay. So I'm going to have you -- I'm focusing
19 on this -- Do you see the header? It's in bold. It
20 says 104.12, Overtime.

21 A Yes.

22 Q And then do you see that under it says,
23 ACS/CGO/Clean follows the corporate policy for overtime,
24 click here for details, and then a link with the words

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1 Hours of Work, PTO, OT, and Shift Differential?

2 A Yes.

3 Q Is it consistent with your understanding from
4 when you were at Delta in 2017 until the end of your
5 employment that these groups followed the hours of work
6 policy for overtime?

7 MR. ROBINSON: Object to form. You may answer.

8 THE WITNESS: Yes.

9 MS. HILLS: Q And then I'm also going to represent
10 to you -- I can show you the metadata for this document.
11 In the subject line, it does not appear here, there's --
12 The subject for this pdf, that it says creating an
13 impactful day one onboarding experience. And I'm
14 wondering during your time in HR Service Delivery were
15 you involved at all in onboarding new employees?

16 A I was not --

17 MR. ROBINSON: Object to form.

18 THE WITNESS: -- personally, no.

19 MS. HILLS: Q When employees joined Delta, were
20 they provided with the HR policies that would apply to
21 them?

22 MR. ROBINSON: Object to form, vague. You may
23 answer to the best of your ability.

24 THE WITNESS: I wasn't personally responsible, but

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1 I'm sure in our process we had familiarity with policy
2 provided during the onboarding process, with access to
3 online policies, et cetera. But I don't know that
4 firsthand.

5 MS. HILLS: Q Was that not -- Was that not like
6 within the scope of the HR Service Delivery
7 responsibilities?

8 A No, it was not.

9 MR. ROBINSON: So just for the record purposes, I
10 object to form on the last question with regard to
11 vagueness and calls for speculation.

12 MS. HILLS: Q Do you know whether employees had
13 access to the HR overtime policy throughout their
14 employment if they wanted to find it?

15 MR. ROBINSON: Object to form, vague, specifically
16 with regard to time and scope. You may answer.

17 MS. HILLS: Q I'll be asking about from 2017 until
18 the end of your time at Delta unless I specify
19 otherwise.

20 A Yes, the vast majority of policies were
21 published online either on divisional websites or the
22 corporate website.

23 Q Did you ever post any policies onto the
24 corporate website?

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1 A Yes, my team would have been instrumental in
2 getting those posted on the corporate site. But the
3 divisional sites were run through local content
4 managers.

5 Q Would the HR overtime policy have been on the
6 corporate site or the divisional site?

7 A To the best of my recollection, it was on the
8 corporate site, but divisional sites linked to it
9 similar to how this document did.

10 Q And you have no knowledge whether employees are
11 given that policy when they join Delta?

12 A I can't speculate that it happens a hundred
13 percent of the time. But during the orientation, either
14 at the company level or a divisional level, they are
15 made aware that our policies are online for them to
16 reference.

17 Q What's the -- When you say orientation, is
18 that -- was there an orientation for all new employees
19 at Delta?

20 Let me rephrase. Is there some kind of formal
21 orientation programming that you're referencing?

22 A There's a combination of orientation efforts,
23 some at the divisional level, which would be delivered
24 by either first-level supervision or a group of people

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1 that onboard people, and then for the merit position, so
2 separate from that, we have something called B-Day,
3 which is basically a welcome to Delta on your first day,
4 and there's a broad overview of where to get
5 information.

6 So it wouldn't be covered at a granular
7 detailed level, but people would be made aware of where
8 policies, et cetera, could be found on the intranet
9 site.

10 Q During that orientation?

11 A Yes, either at the company level or through a
12 divisionally delivered vehicle. And every division had
13 the responsibility for developing their own content for
14 their orientation.

15 Q Okay. I'm going to stop sharing for just a
16 moment to get another document pulled up and then you
17 will see the screen again.

18 Okay. I've introduced Exhibit 3, which is
19 Bates No. 6381. And I will get that pulled up.

20 (Document marked as Deposition
21 Exhibit 3 for identification.)

22 Q Okay. I'll zoom in for you. And then I'll just
23 scroll down to this first page, 6381. I'll zoom out so
24 you can see hopefully all of it in the window, but we'll

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1 see if that's too small for you. And I'll give you a
2 minute to look this over.

3 A Okay.

4 Q And so is this an e-mail chain from November
5 2019?

6 A (No response.)

7 Q Did you hear me?

8 A Oh, I'm sorry. It looks like an e-mail chain.
9 Is that what you're asking? Sorry.

10 Q Yeah. No, you're fine.

11 A Yes.

12 Q And I'm just -- I'm looking at the bottom here.
13 You see this is a message from Karen Jenkins on
14 November 11th, 2019?

15 A Yes.

16 Q Do you know who that is?

17 A Karen Jenkins was a project manager on my team,
18 two or three levels down.

19 Q And her signature says HR-PMO. Is that Project
20 Management Office?

21 A It is.

22 Q And the subject of this message is regarding
23 Wage Theft BRD Sign-Off. Do you know what that would be
24 in reference to?

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1 MR. ROBINSON: Object to form, calls for
2 speculation.

3 THE WITNESS: Yeah, I don't know exactly what the
4 wage theft is referring to. But the BRD sign-off, BRD
5 stands for business requirements document, which
6 basically is the specifications to which we develop a
7 solution, the business requirements. That's what BRD
8 stands for.

9 MS. HILLS: Q Okay. Yeah, and we talked about
10 that term a little bit earlier. Would it be fair to say
11 that a business requirement document is kind of like
12 programming logic for the HR systems?

13 MR. ROBINSON: Object to form, vague.

14 THE WITNESS: It isn't the programming as much as
15 the intent or the outcome you're looking for. So
16 business requirements specify what the deliverables are
17 and what business requirement we're trying to fulfill.
18 And then a different team translates that into actual
19 technical requirements and coding requirements. This is
20 generally the higher non-technical level.

21 MS. HILLS: Q This being the --

22 A Yeah, the BRD. Generally it's at a very
23 technical level. It's high level requirement.

24 Q Gotcha. And then you see this message from a

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1 Karen Carter in the middle?

2 A Karen was CC'd on it, yes.

3 Q Do you know who that is?

4 A Karen Carter was a manager on the HR Service
5 Delivery team.

6 Q Does she report to you?

7 A No, she did not. I don't recall exactly who she
8 reported back -- to back in 2019.

9 Q And do you see that her message says, based on
10 our conversation today, please take this e-mail as the
11 sign-off on the BRD? Do you see that?

12 A I actually don't see that. Is that below -- Oh,
13 I'm sorry, I had to scroll down a little bit. "Take
14 this e-mail as the sign-off." Okay. Yes, I see that.

15 Q 2017 until the end of your employment at Delta
16 was it common for business requirement documents to be
17 approved via e-mail?

18 A Yes.

19 Q Okay. And then you see this final message is
20 from Karen Jenkins to Timothy Gregory. Who is Timothy
21 Gregory?

22 A Tim Gregory is a technical leader on the HR
23 Service Delivery team.

24 Q And it looks like Karen Jenkins was requesting

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1 his approval on a business requirement document?

2 A Yes.

3 Q Is Mr. Gregory based in Atlanta?

4 A He -- I can only comment to the time before I
5 left Delta. Yes, he was -- he was resident in Atlanta.

6 Q Okay. And then I'll stop sharing just for a
7 moment. I'm going to pull up the document that is
8 attached to this e-mail.

9 (Document marked as Deposition

10 Exhibit 4 for identification.)

11 Q Are you able to see that document?

12 A Yes.

13 Q Okay. Do you see that it is -- the first page,
14 it says Feasibility & Requirements Document, Minnesota
15 Wage Theft Law Notification Requirements?

16 A Yes.

17 Q And that's dated September 16th, 2019?

18 A Yes.

19 Q So still on this first page. Karen Jenkins'
20 name appears on the page under the title. Did she
21 author this document?

22 MR. ROBINSON: Object to form. You may answer.

23 THE WITNESS: She would have been the final author,
24 yes. It was probably a collaborative effort.

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1 MS. HILLS: Q Do you recognize this document?

2 A I do not.

3 Q Okay. I'm on the Bates numbered page 6398.

4 Just taking a look at this page, do you see that the top
5 says 7.0, Deliverables, with some text underneath that?

6 A Uh-huh.

7 Q And it says, solutions for delivery of a new
8 notification statement for new employees, as well as
9 notifying changes to existing wage data. Notification
10 must be electronically signed and stored with audit
11 capabilities and employee policy updates. Do you see
12 that?

13 A Yes.

14 Q Do you -- Did this refresh your memory as to
15 this document?

16 MR. ROBINSON: Object to form. You may answer.

17 THE WITNESS: I don't recall the document per se. I
18 do recall at a very high level the project.

19 MS. HILLS: Q What was the project?

20 A As described in the deliverables, it was
21 basically a wage notification statement for employees in
22 Minnesota. It was just a new reporting requirement.

23 Q Were you involved in the project?

24 A Not directly.

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1 Q Do you see this next section here says Sign-Off
2 and there's a table under it with some names?

3 A Uh-huh.

4 Q That's your name listed here, right?

5 A Yeah, right before the "if applicable".

6 Q So does that mean you had the authority to
7 approve this project?

8 A It didn't get to a size that needed my approval.
9 That's why it said if applicable. So depending on the
10 cost of a project, I would have to sign off. If it was
11 below a certain cost threshold, my team, namely Tim
12 Gregory and John, would be -- have authority for final
13 sign-off.

14 Q Gotcha. And it looks like here this is shown as
15 signed by John Early, who's listed as the business
16 owner-mandatory. Do you see that?

17 A Yes.

18 Q How many projects from 2017 until the end of
19 your time at Delta required your signature in the
20 business requirements document?

21 MR. ROBINSON: Object to form. You may answer to
22 the best of your ability.

23 THE WITNESS: I can't recall. I can't recall. Less
24 than a handful that reached that level of capital

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1 investment.

2 MS. HILLS: Q Okay. I've now gone to page 6385,
3 and I'm just looking at the top where it says 1.0,
4 Executive Summary and then under that 1.1, Project
5 Description. Do you see that section?

6 A Yes, I do.

7 Q And I'll just -- I'll just give you a moment to
8 read this I guess couple of paragraphs in this section
9 and then I'll ask you a couple of questions.

10 A Okay.

11 Q And so the project described in this document,
12 was it related -- I guess what prompted this project?

13 A A law that was enacted in Minnesota.

14 Q And were there other similar state laws that
15 were addressed with this project?

16 A That they referred to in here, New York and
17 California had enacted or were about to enact similar
18 legislation, as was New Jersey I think was on the
19 bubble. Yeah, they were enacted to the end of 2019. So
20 it was ordered in order to comply with state law.

21 Q And what was the change that was being done?

22 MR. ROBINSON: Object to form. You may answer.

23 MS. HILLS: Q What was the end result of this
24 project?

1 MR. ROBINSON: Object to form, calls for
2 speculation. You may answer to the best of your
3 ability.

4 THE WITNESS: We abided by the law. So where the --
5 it was enacted, the changes impacted the groups
6 indicated there. I don't know what else to say about
7 it. We conformed with the law.

8 MS. HILLS: Q And I'm just going to scroll through
9 the next couple of pages just generally so that you
10 see -- You see that the next section is State of
11 Minnesota, and then it starts off by saying, the notice
12 must contain required information about employee's
13 employment status, benefits, wages, hours, and terms of
14 employment. Do you see that?

15 A Yes.

16 Q Okay. And then we have a table underneath that
17 and there's a space for employer signature, and it says
18 electronic signature - VP HR. Do you see that?

19 A Yes.

20 Q So would that have been you at this point in
21 time?

22 MR. ROBINSON: Object to form, calls for
23 speculation.

24 THE WITNESS: Yeah, I can't speculate because in

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1 2019 Rob Kite, who I reported to, was still with the
2 company. So it may have been him.

3 MS. HILLS: Q And -- So, sorry, was his title VP
4 of HR in 2019?

5 A Yeah.

6 Q And then this next page, do you see there's a
7 similar header for the State of California, and there's
8 some sections with who is covered by the law, what does
9 the law require? Do you see that?

10 A Yes.

11 Q So is this generally explaining the requirements
12 of this State wage law?

13 MR. ROBINSON: Object to form, calls for
14 speculation.

15 THE WITNESS: Yeah, that's what it appears to be
16 doing. California enacted much earlier though. They
17 were in like 2011, 2012.

18 MS. HILLS: Q And while we're on the California
19 section, do you see that in this -- I think it's the
20 first sentence. Yes, the first sentence mentions -- it
21 says, California's Wage Theft Prevention Act of 2011
22 went into effect January 1, 2012 and requires that all
23 employers provide each non-exempt employee with a
24 written notice containing specified information

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1 regarding their pay and other benefits. Do you see
2 that?

3 A Yes.

4 Q Do you know what non-exempt means in this
5 context?

6 MR. ROBINSON: Object to form.

7 THE WITNESS: Yeah, non-exempt means that they are
8 not treated as exempt employees to the Fair Labor
9 Standards Act that drives a lot of employment-related
10 calculations, including overtime eligibility.
11 Non-exempt indicates that they are indeed qualified for
12 consideration of those provisions of the Fair Labor
13 Standards Act.

14 MS. HILLS: Q Okay. And I'll just -- Going down,
15 you'll see -- or wait, we're still on California --
16 another table here again. In the space for employer
17 signature it says electronic signature - VP of HR. Do
18 you see that?

19 A Yes.

20 Q And then the next page down there's a section
21 for New York. And then there's a table for New York
22 where employer signature is listed as -- Well, it says,
23 quote, the form will be signed by Greg Trev. Do you
24 know who that is?

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1 A No, but, as we've proven today, my last name
2 could be misspelled easily, so.

3 Q So is it possible that's referencing you?

4 A It's possible. It also says will be signed. It
5 hasn't been signed. So this might have been an original
6 document that got redirected. I don't know.

7 Q Gotcha. Okay. And then on 6394, that's the
8 Bates numbered page, just looking at the top here, you
9 see that it says, develop compensation statement for
10 wage changes, this statement to be automated when a
11 change is made to compensation, see sample below. Do
12 you see that?

13 A Yes.

14 Q And then down here a little further is the
15 Section 1.2, Business Drivers, that says, in compliance
16 with Minnesota, California, and New York State laws
17 protecting employees against wage theft, Delta must be
18 in compliant, looks like that's a typo, with these
19 requirements. Do you see that?

20 A Yes.

21 Q And then we have the next section is Project
22 Objectives, which says, to create a solution to notify,
23 quote, new hires, transfers, and existing employers, end
24 quote, as well as when changes are made to their wages.

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1 And then there's some -- there's a bullet point list of
2 some objectives. Do you see that?

3 A Yes.

4 Q This second bullet point on the following page,
5 one of these listed objectives is must be in accordance
6 with company policy and referenced. Do you see that?

7 A Yes.

8 Q So was it your understanding this project had to
9 be compliant with Delta's company policies?

10 MR. ROBINSON: Object to form, vague, particularly
11 with regard to this project. You may answer to the best
12 of your ability.

13 THE WITNESS: I think it's boilerplate language that
14 you would always say we're not going to do a project
15 that's not in accordance with company policy.

16 MS. HILLS: Q And you see a little further down
17 this bullet -- last bullet point in this list of
18 objectives, it says, business owner recommends that this
19 solution should be across the Delta population,
20 including subsidiaries.

21 A Yes.

22 Q So was a new notification system created at
23 Delta in response to a change in the Minnesota law --
24 I'll ask you that first. Was a new notification system

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1 created in response to this referenced Minnesota law?

2 MR. ROBINSON: Object to form, vague, calls for
3 speculation.

4 THE WITNESS: Yeah, I don't know the delivery date
5 on the project. I know we were hoping to deploy it in
6 2019. I can't recall now if we hit that date or did not
7 hit that exact date, but I assure you we were compliant
8 with any State mandate for employees in those states.

9 MS. HILLS: Q Do you know whether those changes
10 were applied to the employees in other states?

11 A They would not have been. The scope was
12 Minnesota, New York, and California.

13 Q So this bullet point, business owner recommends
14 that this solution should be across the Delta
15 population, that didn't come to fruition?

16 MR. ROBINSON: Object to form, mischaracterizes
17 testimony. You may answer.

18 THE WITNESS: I believe what it's referring here is
19 not across the entire Delta population, but including
20 Delta populations in those states that worked for a
21 subsidiary. So I think it's a wording issue.

22 MS. HILLS: Q I see. And on this page still,
23 6395, there's a section for Assumptions, and it says
24 here, policy on wages need to be available when

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1 notification is provided. Do you see that?

2 A I see that, yes.

3 Q So the employees affected -- the Minnesota,
4 New York, and California employees impacted by this
5 project, were they still subject to Delta's HR overtime
6 policy?

7 MR. ROBINSON: Object to form, vague, lacks
8 specificity to the term Delta's overtime policy. You
9 may answer.

10 THE WITNESS: As with any corporate policy, they
11 were held to Delta's corporate policy unless a state had
12 a policy that would override Delta's policy in order to
13 operate legally within the state.

14 MS. HILLS: Q Okay. Another one of these
15 assumptions says, streamlined process availability for
16 new employees as they are onboarded - tapping into the
17 new TA platform, et cetera. Do you see that?

18 A Yes.

19 Q Do you know what this means?

20 A What it was referring to is in the Telenet
21 position platform, when somebody's newly hired, there's
22 a bolt-on system that TA uses that I honestly can't
23 recall the name of, but that system would have been a
24 logical entry for this document so the new employee

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1 could receive it as part of the onboarding process.

2 Q From 2017 until the end of your employment at
3 Delta, did Delta notify employees when changes were made
4 to their compensation?

5 MR. ROBINSON: Object to form. Again, vague, lacks
6 specificity with regard to scope.

7 MS. HILLS: Q You can answer.

8 A There wasn't a uniform process for notification
9 of salary change. Oftentimes it would be communicated
10 directly through a leader, the leader that was part of
11 sometimes the decision making.

12 Others would be notified by a published scale,
13 and they would realize that they're the next step on the
14 scale, and the scales were published, so they would know
15 what that meant to them. And in some cases,
16 unfortunately people found out when they got a change in
17 their pay on their paycheck. But in most cases the
18 salary increases would be pre-communicated directly --
19 through direct conversation with their leader.

20 Q But not always, right?

21 A I'd have no way of ensuring that it happened a
22 hundred percent of the time. But there wasn't a
23 system-generated message. We erred on the side of
24 having it be a personal conversation.

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1 Q Okay. And so we just touched on the meaning of
2 non-exempt employee status. I'm wondering -- Let me
3 rephrase. Is an employee's status as exempt or
4 non-exempt under the Fair Labor Standards Act, does that
5 affect how -- let me see -- is that important for
6 Delta's time and attendance systems?

7 MR. ROBINSON: I'm going to object, vague, compound.
8 Also to the extent you're asking the witness his
9 capacity to make any type of legal conclusion. You may
10 answer to the best of your ability.

11 MS. HILLS: Q I'll rephrase. In your -- From 2017
12 to the end of your employment at Delta, was it important
13 for your position in HR to understand the exempt or
14 non-exempt status of employees?

15 MR. ROBINSON: You may answer.

16 THE WITNESS: We track that status. It's by
17 position that gets tied to an individual. And it was
18 important that we understood the differences between
19 exempt and non-exempt.

20 From a timekeeping perspective, all employees
21 of Delta were encouraged to track their time. In some
22 cases it would have a direct bearing on payroll. In
23 other cases, being the exempt population, it was
24 informational, but did not necessarily affect payroll.

1 MS. HILLS: Q What do you mean by that?

2 A Well, they were exempt. So they weren't
3 really -- from an hours worked perspective, weren't
4 tracked to that level, and, therefore, it was important
5 to track their usage of paid time off, et cetera, but
6 generally they were expected that they had fully worked
7 their shifts, where non-exempt employees have more of an
8 hourly mentality or an hours worked mentality. So it's
9 important from a payroll perspective to understand the
10 hours they actually worked.

11 Q So does the exempt versus non-exempt status have
12 on a bearing on an employee's ability to earn overtime?

13 A Yes.

14 MR. ROBINSON: I'm going to object to form quickly
15 to the extent you're asking for a legal conclusion. But
16 you may answer.

17 THE WITNESS: Generally speaking, non-exempt
18 employees are eligible for overtime compensation under
19 certain rules and policies, and exempt employees
20 generally are not eligible for overtime compensation.

21 MS. HILLS: Q Can exempt employees still be
22 eligible for overtime compensation under a Delta policy
23 rather than under the FLSA in your understanding?

24 MR. ROBINSON: Object to form. As previously

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1 mentioned, the witness is no longer employed by Delta.

2 And so asking him to speak to policies, the way the
3 question is framed, calls for speculation.

4 MS. HILLS: Q My question is during the time
5 period referenced earlier, 2017 to the end of your
6 employment.

7 MR. ROBINSON: You may answer.

8 THE WITNESS: Generally speaking, overtime
9 compensation wouldn't be directly calculated for an
10 exempt employee. If an operational situation arose that
11 required an all hands on deck, there may be other
12 remuneration considered, but it wouldn't be legally
13 mandated under the Fair Labor Standards Act. It would
14 be done at the discretion of Delta in very unique
15 circumstances. And, quite honestly, I can only recall a
16 couple of cases, and that was not delivered through
17 overtime compensation.

18 MS. HILLS: Q So the -- Are you familiar with the
19 Hours of Work, Overtime and Shift Differential policy
20 document at Delta?

21 MR. ROBINSON: Object to form, vague. You may
22 answer to the best of your ability, but, again, lacks
23 specificity.

24 THE WITNESS: Yeah, I'm aware that we have one.

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1 It's been some time since I've referenced it or needed
2 to reference it for any purpose. But I know that we
3 have documentation regarding shift differential and
4 overtime eligibility. Or I should say they have. After
5 22 years it's hard not to say we.

6 MS. HILLS: Q And could you explain further for me
7 what you mean -- what you meant when you said exempt
8 employees generally aren't eligible for overtime?

9 MR. ROBINSON: Object to form, mischaracterizes
10 testimony. You may answer to the best of your ability.

11 THE WITNESS: Yeah, generally the easiest way to say
12 it is they're salaried employees and it doesn't equate
13 to hours worked. So as a salaried employee, we don't
14 track hours on an hourly basis where we have an
15 expectation that they're receiving pay for every hour
16 worked as an exempt employee.

17 MS. HILLS: Q Okay. I've introduced Exhibit 5.
18 Let me just get this pulled up for you.

19 (Document marked as Deposition
20 Exhibit 5 for identification.)

21 Q Okay. Can you see that?

22 A I can.

23 Q I'm going to zoom out a little bit for you. Do
24 you see that this is an e-mail chain from February 2019?

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1 A Yes.

2 Q I'll start at this first message. Do you see
3 that it's from a Robert Pritchett at the U.S. Department
4 of Labor, Bureau of Labor Statistics?

5 A Yes.

6 MR. ROBINSON: Counsel, just for the sake of the
7 record, are you introducing this into the record as an
8 exhibit?

9 MS. HILLS: Q Yes, I did, Exhibit 5.

10 Okay. And do you see here that Mr. Pritchett
11 is asking Bridgette O'Neal whether overtime was paid at
12 one-and-a-half regular hourly rate after 40 hours per
13 week for non-exempt employees? Do you see that?

14 A I see that, yes.

15 Q And then do you see that Bridgette O'Neal
16 forwards this message to Kelly Brown and Cheryl Gray?

17 A Yes.

18 Q And it looks like she's asking for help with
19 answering that question from Mr. Pritchett?

20 A Correct.

21 Q And then -- Well, let me ask you first. Who's
22 Kelly Brown?

23 A Kelly Brown was a manager on the HR Service
24 Delivery team.

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1 Q At this time was she qualified to answer
2 questions from the Bureau of Labor Statistics?

3 MR. ROBINSON: Object to form, vague, calls for
4 speculation. This e-mail doesn't include the witness.
5 You may answer to the best of your ability.

6 THE WITNESS: She was -- she was an eligible
7 manager, but I don't -- Without knowing the context of
8 exactly the questions and the reason for the
9 questioning, I don't know that -- whether or not she was
10 in the best position to respond.

11 MS. HILLS: Q And do you see that she says, all
12 this information is outlined in our HR policies? And
13 then further down it says, since we are federally
14 governed by the Railway Labor Act versus FLSA, our pay
15 rules are slightly different. Do you see that?

16 A Yes.

17 Q Does that accurately represent the status of
18 employees at Delta in February 2019?

19 MR. ROBINSON: Object to form, calls for
20 speculation. Again, I'm going to also object to the
21 extent it calls for a legal conclusion. You may answer.

22 THE WITNESS: Yes, my understanding is that our
23 employees fall under the Railway Labor Act for many
24 purposes. The exempt, non-exempt definition carries

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1 over from the FLSA. The use of the term exempt and
2 non-exempt is most commonly referred to under FLSA
3 language because it's a broader use of the term. But
4 the Railway Labor Act applies to Delta because of the
5 transportation link.

6 MS. HILLS: Q Was it your understanding at this
7 time that Delta ground employees were governed by the
8 Railway Labor Act rather than FLSA?

9 MR. ROBINSON: Same objection. You may answer.

10 THE WITNESS: Yes.

11 MS. HILLS: Q How many non-contract ground
12 employees at Delta from 2017 to the end of your
13 employment were exempt versus not exempt from FLSA?

14 A I don't recall. I don't recall the split.

15 Q Do you recall generally whether there were more
16 exempt or non-exempt employees?

17 A Yeah, that's again difficult with the
18 populations, but I would say generally even, maybe a
19 slightly more non-exempt.

20 Q And just to be clear since we're using this
21 language, does exempt versus non-exempt, is that
22 language in reference to the Railway Labor Act at Delta
23 or do you understand it to be in reference to FLSA?

24 MR. ROBINSON: Object to form. Again, I'm going to

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1 object to this line of questioning to the extent it's
2 asking for legal conclusions.

3 MS. HILLS: Q I want to know what exempt versus
4 non-exempt, when you're using that language, do you
5 understand that to be in reference to the Railway Labor
6 Act or FLSA?

7 A As a compensation professional, we generally
8 think of FLSA categorization of exempt. I don't know
9 that that particular definition is distinctive between
10 the Railway Labor Act and the Fair Labor Standards Act.
11 If I'm using it interchangeably incorrectly, I
12 apologize, but, as referenced earlier, I'm not a legal
13 expert. We colloquially called it exempt and
14 non-exempt, and that generally abides by the definition
15 under FLSA.

16 Q Understood. So part of this e-mail says that
17 all the information -- all of this information is
18 outlined in our HR policies. So let me -- Okay. So
19 I've introduced Exhibit 6, which is Bates No. 7177.

20 (Document marked as Deposition
21 Exhibit 6 for identification.)

22 Q Okay. Are you able to see that?

23 A Yes.

24 Q And I will represent this is the document that

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1 was attached to the e-mail that we just looked at
2 previously. Let me scroll down. And this was the
3 attachment to that e-mail with the file name Pay Rules.

4 Do you recognize this document?

5 A At a high level, yes.

6 Q What is it?

7 A I believe it's referring to the policy itself.

8 Q So does this policy contain Delta's pay rules?

9 MR. ROBINSON: Object to form. Counsel, if you
10 could scroll through at least the document. And then
11 vague with regard to pay rules.

12 THE WITNESS: It looks like the high level essence
13 of them are there, yep.

14 MS. HILLS: Q Would this policy document apply to
15 an employee whether or not they were FLSA exempt?

16 MR. ROBINSON: Object to form.

17 THE WITNESS: I believe within the document the
18 differentiations are provided where necessary.

19 MS. HILLS: Q Did you -- You said -- What was that?

20 A I believe within the document the
21 differentiations of exempt and non-exempt are spelled
22 out appropriately.

23 Q Did you see that?

24 A No, but I would imagine it's in there.

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1 Q Well, actually, what is that? What's the
2 Bates --

3 A Yeah, it could be -- You're scrolling fast. I
4 can't see for sure, but if you look in the overtime
5 policy.

6 Q All right. And that's at Bates 7181?

7 A Yeah.

8 Q Can you see that?

9 A Yeah.

10 Q So is your understanding -- I'm sorry, go ahead.

11 A So this differentiates all positions on
12 published pay scales are eligible for overtime pay
13 because all scale positions are non-exempt. We're not
14 using -- We didn't use the term non-exempt. And this is
15 employee-facing. They're not going to understand what
16 this means. And please contact field HR with questions
17 regarding merit positions eligible for overtime. And
18 that translates to merit positions that are non-exempt,
19 non-exempt merit positions.

20 But we didn't want to use -- we didn't want to
21 use vernacular that the layperson wouldn't understand.
22 Most people don't care if they're exempt or non-exempt.
23 They care whether or not they're eligible for overtime.

24 Q And so you said all scaled employees would have

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1 been non-exempt? Did I hear that right?

2 A Well, that's where the Railway Labor Act comes
3 in. And, again, I'm not in the proper position to serve
4 as the legal educator. But the reason why Railway Labor
5 Act makes sense at Delta is in the transportation
6 industry scale employees, such as a flight attendant,
7 overtime is a different concept for flight attendants.
8 It's just -- It's governed by the Railway Labor Act.
9 So, yes, they're technically non-exempt, but they follow
10 rules governed by the RLA.

11 Q In your time at Delta, how could employees --
12 how did employees know whether they were exempt or
13 non-exempt?

14 A Through the -- For many it was clear, right?
15 For a scale employee, ground scale employee, it was
16 clear they were overtime eligible. For merit, they
17 received notification of salaried overtime eligibility
18 through their leader as shifts were created. And they
19 were a very small population.

20 So for the majority of people it was very
21 clear based on being a scale employee, but we did have
22 some salaried -- a very small group of salaried overtime
23 eligible. And that was based on their closeness to the
24 operations. And they received notification that they

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1 were overtime eligible because of their link to the
2 operation.

3 Q And what group is that?

4 A It was various groups that were more closely
5 aligned to the operations of the airline. So
6 schedulers, for example, was one such group.

7 Q How many people were in that group?

8 A I don't recall. It was a pretty small
9 population. It was vetted with leadership to identify
10 who was most closely aligned to the operations.
11 Operations essential basically.

12 Q So what portion of ground non-contract employees
13 were merit employees during your time at Delta?

14 MR. ROBINSON: Objection, calls for speculation.
15 You may answer.

16 THE WITNESS: We always kind of looked at the number
17 10,000 as the number of merit people at Delta.

18 MS. HILLS: Q And was that group overtime
19 eligible?

20 A A small segment of that group was overtime
21 eligible if they were connected to the operation. So,
22 for example, I would not be, right? I was in HR.
23 Planes could take off every day without me being there.
24 But crew scheduling, for example, was overtime eligible

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1 because they were essential to the operation.

2 Q And when you say overtime eligible, would it be
3 possible for an employee to be eligible for overtime
4 under this document but not FLSA?

5 MR. ROBINSON: Object to form.

6 MS. HILLS: Q Yeah, let me -- That was a bad
7 question. Let me rephrase.

8 In your understanding, could the exempt
9 employees be eligible to earn overtime under this policy
10 as opposed to under the FLSA?

11 A No, we aligned it. So on the merit side we had
12 non-exempt merit employees that were not -- that were
13 overtime eligible because they were -- they were not
14 exempt from FLSA exemption. And then we had exempt
15 employees on the merit side, and those employees were
16 not overtime eligible. So it followed precisely the
17 differentiation of exempt and non-exempt for ground
18 employees to the FLSA, Railway Labor Act affected crews.

19 MS. HILLS: Okay. And I think we'll just take --
20 Oh, you're not able to see that document anymore.

21 Okay. Let's just take like a five-minute
22 break, if that works for everyone.

23 MR. ROBINSON: Fine.

24 THE WITNESS: Sure.

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1 THE VIDEOGRAPHER: Okay. We're going off the record
2 at the 12:25 p.m. This is the end of media unit 3.

3 (Recess was taken.)

4 THE VIDEOGRAPHER: Okay. We are back on the record.

5 The time is 12:34 p.m. This is the beginning of media
6 unit 4.

7 MS. HILLS: Q Okay. And I am introducing Exhibit
8 7, which is Bates No. 9322. And then I will share my
9 screen.

10 (Document marked as Deposition
11 Exhibit 7 for identification.)

12 Q Okay. Are you able to see that?

13 A I can.

14 Q Great. Okay. And so I'll scroll down to the
15 first page of this, which is 9322. Do you see that this
16 is a message from John Early to you on February 23rd,
17 2022?

18 A Yes.

19 Q And just briefly before I go forward, you'll see
20 that there are -- there's a redaction in the forwarded
21 message. I don't want to know the content of that
22 message, but we're going to talk about the rest of this
23 document.

24 And the subject is Swap Policy Changes For

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1 New York Employees. Do you see that?

2 A Yes.

3 Q Do you recall what that would be in reference
4 to?

5 A At a very high level, but I don't remember any
6 of the details.

7 Q So if we scroll down, 9322 is -- at the bottom
8 is the top of the first message in this chain and you'll
9 see the next page, 9323, is an attachment. Can you see
10 that?

11 A Yes.

12 Q And it says Swap Policy Changes for New York
13 Employees dated August 26th, 2021?

14 A Yes.

15 Q Do you recognize this document?

16 A I don't recall the document, no.

17 Q Do you remember swap policy changes being made
18 for New York employees in August of 2021?

19 A I vaguely recollect, yes.

20 Q Why were policy changes made?

21 A To comply with the local law change apparently.

22 Q And so you see -- I'm on that top paragraph,
23 beginning with the second sentence, where it says,
24 recently we learned that we were not properly paying

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1 some of our New York based ACS/CGO employees for the
2 hours they worked over 40 hours per week due to
3 voluntary shift swaps. We're making a few changes to
4 make this right and ensure full compliance with New York
5 State requirements. Do you see that?

6 A Yes.

7 Q And so these New York employees referenced here,
8 would they be FLSA exempt?

9 MR. ROBINSON: Object to form again to the extent
10 this calls for a legal conclusion, and also calls for
11 speculation.

12 THE WITNESS: I believe they would have been
13 non-exempt employees.

14 MS. HILLS: Q Non-exempt in reference to the FLSA?

15 A Yes, and where they worked.

16 Q What was that?

17 A Because ACS and Cargo employees in New York are
18 mainly agents. So they would mainly be scale employees.
19 The scale employees are not exempt.

20 Q Did you mention the Railway Labor Act?

21 A Well, under either Act they're non-exempt as
22 codified by FLSA labels.

23 Q So your assumption is that they -- I'm sorry,
24 could you repeat that? I'm just trying to wrap my head

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1 around these --

2 A Yeah, my assumption was this was aimed -- the
3 policy change was aimed at non-exempt employees in ACS
4 and Cargo, so ground non-exempt employees in New York at
5 certain wage levels.

6 So we were enacting a State mandate relative
7 to -- What it basically did was it moved it from exempt,
8 non-exempt to non-exempt with a wage qualifier. So that
9 people below a certain wage had to be treated a certain
10 way irrespective of the codification between exempt and
11 non-exempt.

12 Q And in this description that you just provided,
13 when you're saying the term exempt and non-exempt, are
14 you referencing FLSA only or FLSA as well as the Railway
15 Labor Act?

16 A Again, I'm not an attorney. I'm a compensation
17 professional. And FLSA rules governing non-exempt and
18 exempt status are used to decipher the overtime
19 eligibility at Delta.

20 Railway Labor Act has a different bearing on
21 many things in HR, but relative to this particular
22 compensation element, it follows the normal parameters
23 of FLSA. So, to me, I'm speaking under both of them
24 from my understanding of the Railway Labor Act's impact

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1 on overtime eligibility.

2 Q So when you used the term exempt, is that -- is
3 the understanding that the person is exempt from FLSA
4 because they are instead covered by the Railway Labor
5 Act?

6 A No.

7 MR. ROBINSON: Object to form.

8 THE WITNESS: No.

9 MR. ROBINSON: Just quickly, object to form, asked
10 and answered. You may answer.

11 THE WITNESS: So set the Railway Labor Act aside for
12 a second. Fair Labor Standard Act, as exempt and
13 non-exempt employees, if you are deemed to be exempt
14 from the Fair Labor Standards Act, it means that you, by
15 definition, do not have to qualify for overtime
16 compensation, among other things, but as it applies to
17 compensation. And then non-exempt employees from the
18 Fair Labor Standards Act are non-exempt from that
19 overtime prohibition. So they are eligible for overtime
20 compensation.

21 And, generally, the Railway Labor Act
22 provisions follows similarly from a compensation
23 approach as the Fair Labor Standards Act. There are
24 other things in the RLA that impact an airline and a

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1 railway, but the definition under compensation, I speak
2 colloquially, is exempt, non-exempt under the FLSA.

3 MS. HILLS: Q Sure. No, I appreciate that.

4 All right. I'm going to stop sharing for a
5 moment and I'll pull one more document up.

6 Okay. I'm introducing Exhibit 8.

7 (Document marked as Deposition

8 Exhibit 8 for identification.)

9 Q All right. That should appear as Bates No.
10 12531. Can you see that?

11 A Yes.

12 Q Okay.

13 A It's 12534 online though, just FYI.

14 Q Oh. Oh, it's a range --

15 A Oh, okay.

16 Q -- you're seeing. But, yes, you're correct, the
17 end page is 12534.

18 Okay. And so I'll go to the first page here.

19 And do you see this is a message from Kelly Boseman
20 dated April 18th, 2017? Do you see that?

21 A I do, uh-huh.

22 Q Is Kelly Boseman the same Kelly we saw on the
23 previous message?

24 A Kelly Boseman and Kelly Brown are the same

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1 person. She was remarried.

2 Q Okay. And it's a message to Charles Dowd and
3 Barbara Franz. Are you familiar with them?

4 MR. ROBINSON: Object to form. You may answer.

5 THE WITNESS: Barb Franz is an HR business partner.
6 Charles Dowd was on my team. I can't remember exactly
7 his capacity while he was with us.

8 MS. HILLS: Q Did he report to you, Charles Dowd?

9 A No. No.

10 Q You see in this message at the top Ms. Boseman
11 writes, Barb, first, the employee should be advised that
12 we are not governed by FLSA pay rules. We are covered
13 under the Railway Labor Act or State pay rules,
14 whichever is more restrictive. If the state, like
15 Georgia, defers to FLSA, then Railway Labor Act applies.
16 If the state has more restrictive pay rules, like
17 California, then we have to abide by their rules. Do
18 you see that?

19 A Yes.

20 Q Do you understand what this means?

21 MR. ROBINSON: I'm going to go ahead and just object
22 to form. Counsel, I'm not trying to have a speaking
23 objection, but this has been one of several e-mails that
24 does not include the witness which are asked for --

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1 asking for him to speculate as to what other parties are
2 suggesting.

3 So I just want to lodge that for the record
4 purposes. This is, by my count, one of at least four,
5 and maybe more, e-mail correspondence that the witness
6 is not involved in which he's being asked to speculate
7 on.

8 MS. HILLS: Understood. Yeah, I hear you. We have
9 moved to compel for documents -- for custodial documents
10 from the witness, but I hear your point.

11 But, Mr. Tahvonan, you are familiar with Kelly
12 Boseman, correct?

13 A Yes.

14 Q She was on your team?

15 A Yes. My extended team, yeah.

16 Q And Charles Dowd was as well?

17 A Yes.

18 Q Okay. So we won't spend too long on this, just
19 on that section we were just looking at.

20 A Yeah.

21 Q Do you believe that this is an accurate
22 representation?

23 MR. ROBINSON: I'm going to object to -- I'm going
24 to object to form again on the same basis. You are

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1 asking him to speculate, A, to the extent it's asking
2 for a legal conclusion. I'm going to object on that
3 basis. And, secondarily, you're asking him to speak to
4 an e-mail regarding an employee from 2017 for which --
5 involving an e-mail that he's not included on.

6 MS. HILLS: So I want to know, because of your
7 position in HR at Delta, as you testified earlier, that
8 it's important to understand FLSA exemption status
9 because it affects payroll. So for that reason, I'm
10 trying to understand how folks in the -- in HR
11 understood FLSA exemption status. But I'll --

12 MR. ROBINSON: That's different.

13 MS. HILLS: Let me restate my question.

14 MR. ROBINSON: Same objection to the extent you're
15 asking about a particular employee. If you're asking
16 about his knowledge personally, it's different.

17 MS. HILLS: Q Was it your understanding at Delta
18 from 2017 until the end of your employment that
19 employees were not governed by FLSA pay rules, but were
20 under the Railway Labor Act?

21 A Yes, but let me clarify. That doesn't mean the
22 codification of exempt and non-exempt is different
23 between the two. What it refers to is the FLSA pay
24 rules.

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1 Many states have adopted the FLSA pay rules,
2 right? They defer to FLSA as a state. When they do
3 that, for Delta, it really means they're deferring to
4 the Railway Labor Act. If the state has more restricted
5 convenience or guidance or governance, then of course we
6 have to abide by the State rules.

7 So what Kelly is trying to educate Charles and
8 Barb on is we aren't covered by FLSA globally where we
9 can say no matter what a state says, we're FLSA. We're
10 governed by the pay rules of the Railway Labor Act.
11 Some states have adopted FLSA as their ALCON. That
12 really means Railway Labor Act for us. But, in any
13 case, if the state has more restrictive pay rules, like
14 California, for example, then we abide by their rules.

15 So I think she was merely trying to educate
16 non-payroll people that, you know, while codification
17 under the FLSA for exempt and non-exempt and the Railway
18 Labor Act follow one another, we really are covered by
19 the Railway Labor Act, unless a state has even more
20 guidance that is more restrictive, then we have to abide
21 by the State law is merely what she's saying here.

22 MS. HILLS: Q And was that principle applied to
23 all ground non-contract employees?

24 A Yes.

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1 MR. ROBINSON: Object to form. You may answer.

2 THE WITNESS: Yes.

3 MS. HILLS: Q Okay. And just before we exit this
4 document, still looking on the same page, do you see
5 that there's a header for Swaps?

6 A I don't on my view. You may have to scroll
7 down.

8 Q Oh. Let me zoom in a little bit for you. Do
9 you see that there's a bold -- in bold in the middle of
10 the message it says Swaps?

11 A Yes.

12 Q Did it make a difference whether an employee was
13 FLSA exempt or non-exempt regarding their ability to
14 swap?

15 A I'm going to need clarification on the question
16 because I don't understand -- I can't think of any
17 workforce that was exempt that had swapping provisions.

18 Q I guess did the FLSA exempt status have anything
19 to do with employees' ability to swap at Delta?

20 MR. ROBINSON: Object to form.

21 MS. HILLS: Q Are those -- Are those two things
22 related I guess is my question?

23 A They're not. It was the nature of the work.

24 Q Okay. I'll stop sharing this.

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1 Okay. I've introduced Exhibit 9, which is
2 Bates No. 6993.

3 (Document marked as Deposition
4 Exhibit 9 for identification.)

5 Q All right. And you should be able to see that
6 now. Is that up on your screen?

7 A Yes, it is.

8 Q Okay. And I can represent to you that this
9 document was created June 28th of 2018 and has the file
10 name capital RES-Policy. And it was created by Cheryl
11 Gray. Do you know who Cheryl Gray is?

12 A Yes.

13 Q Is she -- Does she work in HR?

14 A Yes.

15 Q And did you work closely with her at your
16 time -- during your time at Delta?

17 A She was on my team, yes.

18 Q She reported to you?

19 A No.

20 Q Do you understand capital RES to be a shorthand
21 for Reservations?

22 A I would be -- My educated guess would be yes
23 because Cheryl was instrumental with the Reservations
24 group timekeeping. So that would make sense.

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1 Q From 2017 until you left Delta, about how many
2 domestic employees were in Reservations?

3 A I don't recall the exact number. Probably 6 to
4 7,000.

5 Q And would these all be ground employees in
6 Reservations?

7 MR. ROBINSON: Object to form.

8 THE WITNESS: Yes.

9 MS. HILLS: Q And were those employees subject to
10 the Hours of Work, Overtime and Shift Differential
11 policy?

12 MR. ROBINSON: Object to form, vague.

13 THE WITNESS: Generally, yes. They may have had
14 some local provisions, but.

15 MS. HILLS: Q And then I pressed on one of the --
16 or if you can see my screen, one of the cells, row 13,
17 column A. Do you see that it says in this category or
18 in this column, which is titled Category, do you see row
19 13 says Work Time?

20 A Yes.

21 Q And then for the next column under
22 Process/Policy row 13 says Company Swaps Bulletin Board?

23 A Yes.

24 Q I'll go over. And this next column that is

Page 111

1 titled RES Current, row 13 says functionality does not
2 exist in MPS. Do you see that?

3 A Yes.

4 Q And then the next column,
5 Notes/Questions/Concerns at the top, for row 13 says
6 supported within SAP. Do you see that?

7 A Yes.

8 Q Did Reservations switch from using MPS to SAP
9 around summer 2018?

10 A I don't recollect exactly where they ended up.
11 This looks like an early-on requirements document of
12 some kind.

13 Q Why do you say that?

14 A Well, I don't know the context of the document.
15 So it's hard for me to opine on what it -- what it's
16 meant to indicate. But it looks like it's an initial
17 feasibility study.

18 Q I'm going to go down to row 27. And here for
19 the Category column it says Swaps. Then you have the
20 Process/Policy, which says for row 27 should a swap --
21 should a shift swap count towards the overtime
22 threshold. For RES Current column for row 27 it says,
23 current functionality allows, does allow shift swaps to
24 count towards OT. Do you see that?

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1 A I see that, yep.

2 Q Did Delta count swaps towards employees' overtime thresholds when you were at Delta?

3 A I think the context of swap on and swap off is missing here.

4 Q What do you mean by that?

5 A Well, as we talked about earlier today with the responsibility for swap-off shifts moving to this person who picked up the shift, we did not count towards overtime threshold hours that you swap away. They are literally hours off. They're non-accountable hours. You're not accountable for them. You can't be -- There's no performance tied to them. They are off.

6 So when -- A lot of this context is missing. When you say should a swap -- should a shift swap count towards the overtime threshold, we've got to decipher the difference between swapping off and picking up.

7 Q Were swapped-off shifts considered a deficit for employees ability to earn overtime when you were at Delta?

8 A They aren't a deficit, but they would not count towards the overtime threshold because they were off, they were not worked. If you -- It was not working regularly scheduled hours.

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1 Q So, in other words, for the employee who swaps
2 off, that it's no longer their scheduled workday, right?

3 MR. ROBINSON: Object to form, mischaracterizes
4 testimony. You may answer.

5 THE WITNESS: They're not working. So, yes, they're
6 giving up that part of their shift, their weekly hours.
7 So they're not accountable for those hours. They aren't
8 paid for those hours. They are not working hours.
9 They're literally not at work.

10 MS. HILLS: Q And I'm going to take you down in
11 this document to row 31, which is kind of near the
12 bottom. But do you see it down there? The category is
13 listed as Overtime, and then the next column for
14 Process/Policy, it says Overtime Abuse - How To We
15 Solve. Do you see that?

16 A Yes.

17 Q Was there a concern around this time, so, again,
18 summer 2018, that Delta was paying employees too much
19 for overtime?

20 MR. ROBINSON: Object to form.

21 THE WITNESS: I don't recall anything around that
22 period of time uniquely. I think there's -- As any good
23 business, you always would want to watch your overtime
24 expense and make sure that it's under control and

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1 explainable. But I don't recall anything at that
2 particular time or within RES that was causing
3 unnecessary concern or attention and focus.

4 MS. HILLS: Q Were you involved in any kind of
5 effort specifically to reduce the amount of overtime
6 hours worked at Delta?

7 A No.

8 MR. ROBINSON: Object to form --

9 THE WITNESS: Oh, I'm sorry.

10 MR. ROBINSON: -- vague, lacks specificity, calls
11 for speculation. You may answer.

12 THE WITNESS: No, I was never involved in such
13 activity.

14 MS. HILLS: Q Okay. I have introduced Exhibit 10,
15 which is Bates No. 6610. Let me just pull that up.

16 (Document marked as Deposition
17 Exhibit 10 for identification.)

18 Q I'm going to open -- Let's see. I'm going to
19 open this document in Microsoft Excel because the way it
20 appears online it's a little wonky.

21 All right. Can you see that?

22 A Yes.

23 Q And I can represent to you this document was
24 created June 23rd, 2018, and it was last modified on

Page 115

1 August 29th of 2019, and that it was created by Tiffany
2 Croon. Do you know who that is?

3 A I'm not familiar with that name.

4 Q Someone in HR?

5 A I don't know. I've never heard that name
6 before.

7 Q Oh, you said you haven't? I'm sorry.

8 A No. Sorry.

9 Q Do you know who Sannah Kechit (phon.) is?

10 A Yeah. Yes, she was on my team.

11 Q Okay. She reported to you?

12 A No.

13 Q Okay. And do you recognize this document?

14 A No.

15 Q Were you involved in a project to move groups at
16 Delta to the MyTime platform?

17 A My team was engaged in looking at the efficacy
18 of getting on to a common platform.

19 Q Okay. So I'm on row 19. And then it says
20 here -- There's a column for Current State and Future
21 State. And in Current State there is a note that says
22 TechOps and GSE do not perform swaps today. And then
23 listed in Future State there's a note again that says no
24 change for TechOps and GSE as they do not perform swaps.

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1 Do you see that?

2 A Yes.

3 Q Is that accurate, that those groups do not --
4 did not perform swaps --

5 MR. ROBINSON: Object to -- Go ahead.

6 MS. HILLS: -- during your time at Delta?

7 THE WITNESS: To the best of my recollection, yes.

8 MS. HILLS: Q Yes, that is correct?

9 A That is correct.

10 Q And then do you see that there's columns here
11 for Airport Customer Service, Cargo, GSE, RES, and
12 TechOps?

13 A Uh-huh.

14 Q Is it your understanding that ACS, Cargo, and
15 RES are groups that engage in swaps?

16 MR. ROBINSON: Object to form, vague. You may
17 answer to the best of your ability.

18 THE WITNESS: Yes, I believe they have swaps.

19 MS. HILLS: Q Was that the case from 2017 until
20 you left Delta?

21 A To the best of my recollection.

22 Q Do you know which other divisions allowed
23 employees to swap?

24 MR. ROBINSON: Object to form, vague, lacks

Page 117

1 specificity. Counselor, are you asking across all of
2 Delta?

3 MS. HILLS: Q Yeah, by division. Are there other
4 divisions outside of the ones we just referenced that
5 you're aware allowed their employees to swap?

6 A They weren't within the scope of this project,
7 though I think it may have occurred more at a local
8 level.

9 Q What do you mean by that?

10 A Well, these are the big work groups, right?
11 These are the big operationally dependent work groups
12 that generally had very similar needs from a systems
13 perspective.

14 There may have been smaller work groups, like
15 schedulers, that ran a swap program on their own, and
16 they were considered out of scope initially for this
17 exercise because we were looking at trying to
18 understand, again, initial phases back in 2017 or '18,
19 whenever this was, of where are the barriers to moving
20 towards a common system among the big swap users.

21 So this wasn't meant to be an exhaustive list
22 of there are no other swaps going on at the company, but
23 where are the pinchpoints for the big groups from a
24 technology perspective.

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1 Q Okay. Speaking of their size, I want to refer
2 to this tab called Change Magnitude Assessment. Can you
3 see that?

4 A Yes.

5 Q In this tab there's a row, row 10, there's a
6 column called Change Breadth and then the next column is
7 Depth Scoring and then a column for Scoring Definitions.
8 Do you see that?

9 A Yes.

10 Q Do you see that this row 10 is called People
11 Count, how many people will be directly impacted by the
12 change, and it has a depth scoring of 3. And do you see
13 that that scoring means 3 equals high (a thousand plus
14 directly impacted employees)? Do you see that?

15 A Yes.

16 Q Is that an accurate reflection of the impact of
17 the change to SAP?

18 MR. ROBINSON: Object to form. The witness is here
19 in his fact capacity. That's one. Secondly, vague and
20 lacks specificity with regard to the question. Are you
21 asking him to give his assessment of what's in front of
22 him on the screen?

23 MS. HILLS: We can -- I'd just -- We can go off the
24 record and discuss. I'd just really ask that you try to

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1 reduce the speaking objections.

2 MR. ROBINSON: Let's go off the record really
3 quickly.

4 THE VIDEOGRAPHER: Okay. We're going off the record
5 at 1:20 p.m. This is the end of media unit 4.

6 (Recess was taken.)

7 THE VIDEOGRAPHER: Okay. We are back on the record.
8 The time is 1:21 p.m. This is the beginning of media
9 unit 5.

10 MS. HILLS: Q So, Mr. Tahvonen, around the time
11 this document was created, which, again, June 2018, and
12 last amended in August of 2019, during that time period
13 would you say it's accurate that there were about 26,000
14 employees in Airport Customer Service?

15 MR. ROBINSON: Object to form.

16 THE WITNESS: I think it's a combination. I think
17 it's how you look at this. The ACS was 26,000, which
18 would have included cargo and ground service equipment
19 at the time. So that's what the CGO and GSE represent.
20 So even though it's labeled as ACS, it's really ACS,
21 Cargo, and GSE.

22 MS. HILLS: Q Understood.

23 A And that number sounds roughly correct.

24 Q And how about the number that's listed here for

Page 120

1 capital TOP? It says 8500.

2 A Yeah, that's TechOps. That looks correct.

3 Q That's a -- You would say that's a correct
4 estimate of the number of employees in TechOps?

5 A Yes, for the --

6 MR. ROBINSON: Object to form.

7 THE WITNESS: For the scale side.

8 MS. HILLS: Q I was thinking that here it's listed
9 capital RES. It says 5,000. Would you say that there
10 were about 5,000 scale employees in Reservations?

11 A Yes.

12 Q Has that been pretty consistent over time, at
13 least as of 2017?

14 MR. ROBINSON: Object to form.

15 THE WITNESS: Minus the effect of COVID, yes.

16 MS. HILLS: Q Understood. And then I'm just going
17 to go one row down. This next row for the Change
18 Breadth says, impacts same or different, are people
19 being impacted the same or are they experiencing the
20 change differently. Do you see that?

21 A Yes.

22 Q And then the depth scoring is a 2, which
23 correlates to a scoring definition of medium (slight
24 variances). Do you see that?

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1 A Yes.

2 Q And then finally in the Notes column it says,
3 all getting a new system, but there's some variation in
4 who's adopting the specific functionality and there's
5 variation in policies, which is also the case today. Do
6 you see that?

7 A Yes.

8 Q Would you say the divisions switched to SAP in
9 this time period, for those divisions is it accurate to
10 say that there were only slight variances in how they
11 were impacted by the --

12 MR. ROBINSON: I'm going to --

13 MS. HILLS: -- by the new platform?

14 MR. ROBINSON: Object to form.

15 THE WITNESS: Okay. This is going to be -- For the
16 next one they shouldn't. So this isn't about SAP. This
17 is about a common timekeeping system between all the
18 divisions.

19 This has never come to be, at least it wasn't
20 delivered while I was at Delta. And from what I
21 understand, not having worked there for two years, is
22 there's still not a common platform. So this was an
23 exploratory document of what it would take to commonize
24 a bid and award system and the associated payroll.

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1 So this was associated with that project,
2 not -- The move to SAP happened, right, in 2015 and that
3 piece. This was the efficacy of kind of that next
4 generation, which, somebody would have to correct me if
5 I'm wrong, never came to full fruition because of the
6 amount of capital investment it would require from an IT
7 perspective.

8 MS. HILLS: Q All right.

9 A So this was an exploratory document.

10 Q Gotcha. And then -- So last question on this
11 one. So understanding that the numbers represented in
12 row 10 here still fairly represent the number of scale
13 employees in these divisions; is that correct?

14 MR. ROBINSON: Object to form, mischaracterizes the
15 testimony. You may answer.

16 THE WITNESS: The numbers were directionally correct
17 at the time I left.

18 MS. HILLS: Okay. I'll stop sharing.

19 Can we just take a quick break? I think I'm
20 probably wrapping up here, but just to make sure.

21 MR. ROBINSON: Okay. Thank you, Counsel. How long
22 do you need?

23 THE VIDEOGRAPHER: Okay. We're going off the record
24 at 1:28 p.m.

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1 (Recess was taken.)

2 THE VIDEOGRAPHER: Okay. We are back on the record.

3 The time is 1:34 p.m.

4 MS. HILLS: Okay. Thank you, Mr. Tahvonen. I have
5 no further questions.

6 THE WITNESS: Thank you.

7 MR. ROBINSON: No questions on behalf of Delta. We
8 want to obviously read and sign.

9 THE VIDEOGRAPHER: Okay. We're going off the record
10 at 1:34 p.m. This concludes today's testimony given by
11 Greg Tahvonen. The total number of media units used was
12 five and will be retained by Veritext.

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Page 124

1 STATE OF ILLINOIS)

) SS:

2 COUNTY OF C O O K)

3 The within and foregoing deposition of the
4 aforementioned witness was taken before NADINE J. WATTS,
5 CSR, RPR and Notary Public, at the place, date and time
6 aforementioned.

7 There were present during the taking of the
8 deposition the previously named counsel.

9 The said witness was first duly sworn and was
10 then examined upon oral interrogatories; the questions
11 and answers were taken down in shorthand by the
12 undersigned, acting as stenographer and Notary Public;
13 and the within and foregoing is a true, accurate and
14 complete record of all of the questions asked of and
15 answers made by the forementioned witness, at the time
16 and place hereinabove referred to.

17 The signature of the witness was not waived,
18 and the deposition was submitted, pursuant to Rules
19 30(e) of the Rules of Civil Procedure for the United
20 States District Courts, to the deponent per copy of the
21 attached letter.

22 The undersigned is not interested in the
23 within case, nor of kin or counsel to any of the
24 parties.

Page 125

1 Witness my official signature and seal as
2 Notary Public in and for Cook County, Illinois on this
3 20th day of April, A.D. 2025.

4 
5

6 NADINE J. WATTS, CSR, RPR
7 License No. 084-002736
8 Notary Public
9 One North Franklin Street
10 Suite 3000
11 Chicago, Illinois 60606
12 Phone: (312) 442-9087
13
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April 20, 2025

To: Mitch Robinson, Esq.

Case Name: Goodyear, Lukas v. Delta Airlines, Inc.

Veritext Reference Number: 7311767

Witness: Gregory S. Tahvonen Deposition Date: 4/14/2025

Dear Sir/Madam:

Enclosed please find a deposition transcript. Please have the witness review the transcript and note any changes or corrections on the included errata sheet, indicating the page, line number, change, and the reason for the change. Have the witness' signature notarized and forward the completed page(s) back to us at the Production address shown above, or email to production-midwest@veritext.com.

If the errata is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department

NO NOTARY REQUIRED IN CA

Page 127

DEPOSITION REVIEW
CERTIFICATION OF WITNESS

ASSIGNMENT REFERENCE NO: 7311767

CASE NAME: Goodyear, Lukas v. Delta Airlines, Inc.

DATE OF DEPOSITION: 4/14/2025

WITNESS' NAME: Gregory S. Tahvonen

In accordance with the Rules of Civil Procedure, I have read the entire transcript of my testimony or it has been read to me.

I have made no changes to the testimony as transcribed by the court reporter.

They have read the transcript;

They signed the foregoing Sworn Statement; and

Their execution of this Statement is of
their free act and deed.

I have affixed my name and official seal
this _____ day of _____, 20____.

Notary Public

Commission Expiration Date

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1 DEPOSITION REVIEW
2 CERTIFICATION OF WITNESS

3 ASSIGNMENT REFERENCE NO: 7311767

4 CASE NAME: Goodyear, Lukas v. Delta Airlines, Inc.

5 DATE OF DEPOSITION: 4/14/2025

6 WITNESS' NAME: Gregory S. Tahvonen

7 In accordance with the Rules of Civil
8 Procedure, I have read the entire transcript of
my testimony or it has been read to me.

9 I have listed my changes on the attached
10 Errata Sheet, listing page and line numbers as
well as the reason(s) for the change(s).

11 I request that these changes be entered
as part of the record of my testimony.

12 I have executed the Errata Sheet, as well
13 as this Certificate, and request and authorize
that both be appended to the transcript of my
testimony and be incorporated therein.

14 _____ Date Gregory S. Tahvonen

15 Sworn to and subscribed before me, a
Notary Public in and for the State and County,
the referenced witness did personally appear
and acknowledge that:

16 They have read the transcript;

17 They have listed all of their corrections
in the appended Errata Sheet;

18 They signed the foregoing Sworn
Statement; and

19 Their execution of this Statement is of
their free act and deed.

20 I have affixed my name and official seal
21 this _____ day of _____, 20_____.
22 _____

23 Notary Public
24 _____

25 Commission Expiration Date

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1 ERRATA SHEET

2 VERITEXT LEGAL SOLUTIONS MIDWEST

3 ASSIGNMENT NO: 7311767

4 PAGE/LINE(S) / CHANGE /REASON

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20 _____ Date Gregory S. Tahvonen

21 SUBSCRIBED AND SWORN TO BEFORE ME THIS _____

22 DAY OF _____, 20_____.
23 _____

Notary Public

24 _____
25 Commission Expiration Date

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[2019 - ability]

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[work - zooming]

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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